UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/52/549
11 November 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 98 (b)

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: IMPLEMENTATION OF THE UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 51/180 of 16 December 1996, the General Assembly requested the Secretary-General to report to it at its fifty-second session on the implementation of the resolution and on any possible implications arising from the report of the Conference of the Parties to the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa on its first session.[1] The present report is submitted pursuant to that request.

2. Section II of the present report indicates actions taken in response to the resolution by States, the Intergovernmental Negotiating Committee and the head of the interim secretariat of the Convention. Section III summarizes the substantive results of the first session of the Conference of the Parties. Section IV outlines the institutional, administrative and financial implications for the United Nations of the decisions of the Conference of the Parties.

3. These implications relate to (a) the institutional linkage of the Convention's permanent secretariat to the United Nations Secretariat, (b) administrative support from the United Nations Secretariat to the Convention's permanent secretariat, (c) financing from the regular budget of the United Nations of the conference services needed by the Conference of the Parties and its subsidiary bodies, (d) transfer to the Convention of balances of extrabudgetary funds established under General Assembly resolution 47/188 of 22 December 1992, and (e) transitional arrangements for ensuring an adequate initial cash-flow to the Convention budget.

II. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 51/180

A. Action by States

1. Status of ratifications

4. In paragraph 1 of resolution 51/180, the Assembly welcomed the fact that the Convention would enter into force on 26 December 1996, and called upon more countries to take appropriate action for the ratification, acceptance or approval of or accession to the Convention.

5. As of 15 October 1997, instruments of ratification, acceptance, approval or accession had been deposited by the following 113 States: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania,

Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Portugal, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sierra Leone, South Africa, Spain, Saint Kitts and Nevis, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uzbekistan, Yemen, Zambia and Zimbabwe. A list of all parties and signatories to the Convention, indicating the respective dates of signature and of receipt of the instruments of ratification, where applicable, is available from the Secretariat on request.

6. At the first session of the Conference of the Parties, many other States and a regional economic integration organization indicated that they had initiated internal processes for ratification, acceptance, approval or accession and expected that they would be completed in the coming months.

B. Action by the Intergovernmental Negotiating Committee

7. In paragraph 2 of its resolution 51/180, the Assembly urged the Intergovernmental Negotiating Committee to complete fully, at its tenth session, the consideration of all outstanding negotiating issues, including the negotiations of the two working groups and the preparatory work for the first session of the Conference of the Parties. The report of the Intergovernmental Negotiating Committee at its tenth session and resumed tenth session is before the Assembly in documents A/52/82 and A/52/82/Add.1.

C. Activities of the interim secretariat

8. In the period covered by this report, the interim secretariat continued to focus on providing substantive and organizational services to the work of the Intergovernmental Negotiating Committee, the Conference of the Parties and its subsidiary bodies. The secretariat also has been requested by the Intergovernmental Negotiating Committee to carry out additional tasks. Of particular significance among these are the facilitation of technical and financial support for affected developing countries as required by the resolution on urgent action for Africa as well as interim action in other regions.

9. For additional information on activities undertaken under the above mandate, see document ICCD/COP(I)/7.

III. MAIN SUBSTANTIVE DECISIONS OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION AT ITS FIRST SESSION

10. The first session of the Conference of the Parties to the United Nations Convention to Combat Desertification was held at the headquarters of the Food and Agriculture Organization of the United Nations, Rome, from 29 September to 10 October 1997.

11. The session was attended by 102 of the 104 parties at the time, and by 16 observer States and an observer for a regional economic integration organization. The participation of developing countries was facilitated by the contributions of Governments to the Special Voluntary Fund set up for that purpose by Assembly resolution 47/188. However, since the participation of some countries remains dependent on the availability of financial resources, there is a concern that, should replenishment of the Voluntary Fund be insufficient, many countries affected by desertification might not be adequately represented in future sessions of the Conference of the Parties.

12. Participation in the Conference of the Parties by institutions of the United Nations system and international and non-governmental organizations was active and constructive. The Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development (IFAD), the United Nations Development Programme (UNDP), the United Nations Environment Programme, the World Meteorological Organization, the United Nations Institute for Training and Research, the Organization of African Unity, the Comité Permanent Inter-Etats de Lutte contre la Sécheresse dans le Sahel, the Intergovernmental Authority on Development, the Southern African Development Community, l'Union du Maghreb Arabe, the Inter-American Development Bank, the African Development Bank, the Arab Organization for Agricultural Development, the Organisation for Economic Cooperation and Development, the League of Arab States, l'Observatoire du Sahara et du Sahel, in particular, were active participants. In some cases, during the process of the Intergovernmental Negotiating Committee's work and beyond, they have made financial or human resources available to the Secretariat and/or are providing expertise and resources in support of preparatory activities carried out in a number of affected developing countries.

13. The Conference of the Parties accredited 23 intergovernmental organizations and 455 non-governmental organizations, many of which had been accredited to previous sessions of the Intergovernmental Negotiating Committee. Overall, the contribution from the non-governmental community was relevant and useful to the work of the Conference of the Parties; however, it must be noted that the degree of participation from the non-governmental community is also highly dependent on the availability of financial assistance.

14. The Conference of the Parties adopted by consensus 29 decisions and 2 resolutions aimed at setting in motion the processes needed to promote the effective global implementation of the Convention and its contribution to sustainable development.

15. The Conference of the Parties agreed on the functions and modalities of the Global Mechanism for the mobilizing of financial resources for the implementation of the Convention. The Conference of the Parties decided to house the mechanism at IFAD in Rome with the collaboration of UNDP, the World Bank and other relevant international organizations, which will play major roles in the implementation of the Convention.

16. A high-level segment held during the second week, in which 46 officials of ministerial rank, two Vice-Presidents and a Deputy Prime Minister participated, gave political support to the implementation of the Convention.

17. The Committee on Science and Technology, a subsidiary body of the Conference, met in conjunction with the Conference of the Parties and developed a programme of work in the areas of networking, benchmarks and indicators, collaboration with other scientific bodies and the application of traditional knowledge.

18. The Conference of the Parties also appointed an ad hoc group of independent experts to take work forward on benchmarks and indicators and nominated its coordinator.

19. The Conference of the Parties designated Bonn as the seat of the permanent secretariat, accepted the offer of the Secretary-General to provide administrative and support arrangements for the Convention's permanent secretariat, and adopted a Convention budget, as well as rules of procedures and financial rules.

20. The COP also reached decisions in regard to (a) interim arrangements for the Conference of the Parties and the Convention secretariat, (b) the Supplementary Fund and Special Fund established in the financial rules of the Conference of the Parties, and also on extrabudgetary funding for the secretariat for 1998, (c) continuation of consideration of the question of the review of implementation of the Convention, (d) approval of procedures for the communication of information and review of implementation, (e) regional implementation annexes, (f) collaboration with other Conventions, (g) relations with the Global Environment Facility, and (h) standing items on its agenda, and selected items on the agenda for its second session.

21. The Conference of the Parties also held a "Dialogue on Building Partnerships", which allowed participants to have a fruitful exchange of views on the subject in keeping with the participative spirit of the Convention. This led to the adoption by the Conference of decision 27/COP.1 on the inclusion of activities of non-governmental organizations within the official programme of work of future sessions of the Conference.

22. Concurrent with the formal programme of the Conference of the Parties, a number of parallel events were held, including a Forum of Non-Governmental Organizations, a Media Outreach Workshop and Seminar, a Forum of Mayors on Cities and Desertification and a comics exhibit on the impact of desertification.

23. The Conference of the Parties decided that its second session would be held in Dakar, Senegal, in the second half of 1998.

24. Regarding the programme of work of the second session of the Conference of the Parties, in addition to tasks assigned to it by the Convention, the Conference agreed to include a number of selected items, such as the promotion and strengthening of relationships with other relevant conventions, procedures for the resolution of questions that may arise with regard to implementation, and an annex containing arbitration procedures.

IV. INSTITUTIONAL, ADMINISTRATIVE AND FINANCIAL IMPLICATIONS OF THE DECISIONS OF THE CONFERENCE OF THE PARTIES

25. A number of institutional, administrative and financial implications flow from the decisions of the Conference of the Parties regarding the financing of the Convention process from the United Nations programme budget and the functioning of the Convention's permanent secretariat under the authority of the Secretary-General as chief administrative officer of the Organization (see annex below). The relevant decisions of the Conference of the Parties are those on (a) the institutional linkage of the Convention's permanent secretariat to the United Nations, (b) the financial procedures for the Conference of the Parties, its subsidiary bodies and its permanent secretariat, (c) the Convention budget, and (d) other voluntary funding for the biennium 1998-1999. The decision to relocate the Convention secretariat to Bonn, in response to an offer by the Government of Germany, should also be borne in mind. Aspects of these decisions that have a direct bearing on the relationship between the Convention's permanent secretariat and the United Nations are presented below.

A. Institutional linkage

26. The Conference of the Parties addressed the question of the institutional linkage of the Convention secretariat to the United Nations on the basis of the offer made by the Secretary-General (see A/AC.241/44 and A/AC.241/55) and the related conclusions of the Intergovernmental Negotiating Committee at its ninth and tenth sessions. In his offer, the Secretary-General suggested that the general principles of the linkage of the Convention secretariat to the United Nations could be recorded in reciprocal decisions of the Conference of the Parties and the General Assembly. Accordingly, in its decision 3/COP.1, the Conference of the Parties decided that the Convention secretariat should be institutionally linked to the United Nations, while not being fully integrated in the work programme and management structure of any particular department or programme. The Conference further decided to review the functioning of the institutional linkage of the Convention secretariat to the United Nations, not later than at its fourth session, in consultation with the Secretary-General, with a view to making such modifications as may be considered desirable by both parties. The Assembly is invited to adopt an appropriate decision endorsing this institutional linkage and providing for its review.

27. In the context of the institutional arrangements for the Convention secretariat, the Conference expressed appreciation for the generous support provided to the interim secretariat by various departments and programmes of the United Nations, as well as agencies of the United Nations system. It also expressed the desire that the support and cooperation given by those departments, programmes and agencies should continue. The Conference also invited these entities and the Executive Secretary to collaborate in reaching understandings that specify the nature of cooperation and support that each entity would provide to the Convention secretariat.

B. Administrative support

28. In its decision 3/COP.1 on administrative and support arrangements, the Conference accepted the arrangements proposed by the Secretary-General for administrative support to the Convention secretariat, as contained in documents A/AC.241/44 and A/AC.241/55. It further requested the Executive Secretary to pursue the question of the allotment of overhead to defray administrative expenses, as indicated in the offer of the Secretary-General, and to report to its second session on the results achieved.

C. Conference services

29. In its decision 4/COP.1, the Conference of the Parties requested the Assembly, bearing in mind the institutional linkage of the Convention secretariat to the United Nations and the large number of States, including those which are on the list of least developed countries that are Parties to the Convention, to decide to finance from the regular programme budget of the United Nations the conference-servicing costs arising from sessions of the Conference of the Parties and subsidiary bodies for the duration of the institutional linkage approved by the Conference of the Parties and described in paragraph 28 above. In this connection, in paragraph 3(b) of decision 6/COP.1, the Conference noted that conference-servicing costs, provision for which was requested from the Assembly, are estimated at $1,000,000 for 1999 and that, should the Assembly not accede to this request, the related costs would be charged to the Parties.

30. Furthermore, in its decision 4/COP.1, the Conference requested the Assembly to include its second session and the meetings of its subsidiary bodies in the calendar of conferences and meetings for 1998-1999.

31. The Secretary-General hereby conveys to the Assembly this request from the Conference of the Parties and invites the Assembly to take action thereon at its current session. It should be noted that the proposed programme budget for 1998-1999 does not provide for conference services for the sessions of the Conference of the Parties and its subsidiary bodies.

D. Financial rules: transfer of balances of extrabudgetary funds

32. The Conference of the Parties also adopted, in its decision 2/COP.1, the financial rules of the Conference, its subsidiary bodies and the Convention secretariat. An indicative scale as a basis for contributions by the Parties to the Convention budget in 1999 is expected to be adopted at the second session of the Conference of the Parties.

33. In accordance with the financial rules, the budget of the Convention is to be prepared by the head of the Convention secretariat and adopted by the Conference of the Parties. The resources of the Conference of the Parties shall be as follows: (a) the contributions made each year by Parties on the basis of an indicative scale; (b) other voluntary contributions made by Parties; (c) contributions from States non-Parties, governmental, intergovernmental and

non-governmental organizations and other sources; (d) the uncommitted balance of appropriations from previous financial periods; and (e) miscellaneous income. Initially, three funds shall be established by the Secretary-General and managed by the head of the Convention secretariat: a general fund to cover all expenditures under the core administrative budget of the Convention, to which Parties will contribute according to an approved indicative scale; a supplementary fund to support participation of non-governmental organizations from affected developing country Parties, particularly the least developed among them, in sessions of the Conference and to facilitate assistance to affected developing countries in accordance with articles 23 and 26 of the Convention as well as other appropriate purposes consistent with the objectives of the Convention; and a Special Fund to support participation of representatives of developing countries in the sessions of the Conferences of the Parties and its subsidiary bodies.

34. With regard to these funds, the Conference of the Parties in its decision 8/COP.1 requests the Assembly to transfer any amounts remaining in the Trust Fund and the Special Voluntary Fund, which were established pursuant to General Assembly resolution 47/188, respectively to the supplementary fund to be established pursuant to paragraph 9 of the financial rules and to the special fund to be established in accordance with paragraph 10 of the financial rules.

E. Transitional financial arrangements

35. The initial phase of the new Convention Secretariat arrangements for the Convention and the relocation of the secretariat to Bonn are bound to give rise to problems of transition. The competent services of the United Nations Secretariat will be available to help the Convention secretariat to overcome these problems. However, the question of the financial transition merits special consideration.

36. The Convention budget approved by the Conference of the Parties for 1999, as the second year of the biennium 1998-1999, will take effect on 1 January 1999. In this connection, the Secretary-General has taken note of paragraph 14 of the financial rules for the Conference of the Parties, which provides that each Party shall, as far in advance as possible of the date due for the contribution, inform the head of the Convention Secretariat of the contribution it intends to make and of the projected timing of that contribution. Paragraph 14 also provides that contributions for each calendar year are expected on or before 1 January of that year.

37. Given that provisions for the interim secretariat within the United Nations programme budget expire on 31 December 1998, and considering that some Parties may need additional time to fulfil the necessary formalities that will permit them to make their first contributions to the Convention budget, the Convention budget will be faced with some initial cash-flow problems unless parties make contributions in advance of 1 January 1999.

F. Appointment of the head of the Convention secretariat

38. Decision 4/COP.1 also contains a request from the Conference of the Parties to the Secretary-General to appoint, after consultation with the Conference of the Parties through its Bureau, the first head of the Convention secretariat, with the title of Executive Secretary at the level of Assistant Secretary-General on an exceptional basis for a three-year period starting on 1 January 1999. Consultations on this matter have been initiated between the President of the Conference of the Parties and the Secretary-General.

39. The head of the Convention secretariat shall be accountable to the Conference of the Parties for the implementation of the policies and programme of work approved by the Conference and to the Secretary-General as the chief administrative officer of the Organization, including for the observance of the financial and staff regulations and rules of the United Nations. In carrying out the latter responsibilities the head of the Convention secretariat will report to the Secretary-General on administrative and financial issues, through the Under-Secretary-General for Management, and through the Under-Secretary-General for Economic and Social Affairs on other issues.

V. CONCLUSIONS

A. Actions requested of the General Assembly

40. In summary, the Conference of the Parties has requested the General Assembly:

(a) To endorse the institutional linkage between the Convention's permanent secretariat and the United Nations and provide for its review (decision 3/COP.1);

(b) To request the Secretary-General to authorize the head of the interim secretariat to use in 1998 the Special Voluntary Fund and the Trust Fund in accordance with paragraph 7 of decision 8/COP.1;

(c) To request the inclusion of the second session of the Conference of the Parties and meetings of its subsidiary bodies in the calendar of conferences and meetings for 1998-1999 (para. 3 of decision 4/COP.1);

(d) To approve the conference-servicing costs for the duration of the institutional linkage of the Convention's permanent secretariat to the United Nations (para. 2 of decision 4/COP.1);

(e) To request the transfer of any amounts remaining in the Trust Fund and the Special Voluntary Fund as of 31 December 1998, respectively, to the supplementary fund to be established pursuant to paragraph 9 of the financial rules of the Conference and to the special fund to be established in accordance with paragraph 10 of the financial rules of the Conference (para. 8 of decision 8/COP.1).

B. Actions requested of the Secretary-General

41. The Conference of the Parties has also requested the following of the Secretary-General:

(a) Appointment by the Secretary-General, after consultation with the Conference of the Parties through its Bureau, of the head of the Convention secretariat at the level of Assistant Secretary-General for a three-year period (starting 1 January 1999) (para. 4 of decision 4/COP.1);

(b) Authorization by the Secretary-General for the use of the Special Voluntary Fund to assist developing countries to participate in the second session of the Conference of the Parties (para. 5 of decision 8/COP.1);

(c) Authorization by the Secretary-General for the use of the Trust Fund to support the participation of non-governmental organizations in the work of the second session of the Conference of the Parties (para. 6 of decision 8/COP.1).

Notes

[1] The report of the first session of the Conference of the Parties to the Convention on Desertification, which was held in Rome from 29 September to 10 October 1997, will be issued under the symbol ICCD/COP(1)/11. Those decisions that require action by the Secretary-General or the General Assembly are contained in annex I to this report. The complete resolutions and decision adopted at the Conference will be made available to the Assembly at its current session for information.

Annex

DECISIONS TAKEN BY THE FIRST SESSION OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON DESERTIFICATION THAT REQUIRE ACTION BY THE SECRETARY-GENERAL OR THE GENERAL ASSEMBLY

Decision 2/COP.1

Financial rules of the Conference of the Parties, its subsidiary bodies and the Convention Secretariat

The Conference of the Parties,

Considering the provisions of the Convention, particularly article 22, paragraph 2 (e), which stipulates that the Conference of the Parties shall adopt, at its first session, financial rules for itself and any subsidiary bodies,

Having examined the recommendations of the Intergovernmental Negotiating Committee on the financial rules of the Conference of the Parties, its subsidiary bodies and the Convention Secretariat,

Decides to adopt the financial rules annexed to the present decision.

Annex

FINANCIAL RULES FOR THE CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA, ITS SUBSIDIARY BODIES AND THE CONVENTION SECRETARIAT

Scope

1. The present rules shall govern the financial administration of the Conference of the Parties to the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, its subsidiary bodies and the Convention Secretariat. In so far as not specifically provided by the present rules, the Financial Regulations and Rules of the United Nations shall apply.

Financial period

2. The financial period shall be a biennium, of which the first calendar year shall be an even-numbered year.

Budget

3. The head of the Convention Secretariat shall prepare the budget estimates for the following biennium in United States dollars showing projected income and expenditures for each year of the biennium concerned. The head of the Convention Secretariat shall dispatch the estimates to all Parties to the Convention at least ninety days before the opening of the session of the Conference of the Parties at which the budget is to be adopted.

4. The Conference of the Parties shall, prior to the commencement of the financial period that the budget covers, consider the budget estimates and adopt by consensus a core budget authorizing expenditures other than those referred to in paragraphs 9 and 10.

5. Adoption of the core budget by the Conference of the Parties shall constitute authority to the head of the Convention Secretariat to incur obligations and make payments for the purposes for which the appropriations were approved and up to the amounts so approved, provided always that, unless specifically authorized by the Conference of the Parties, commitments shall be covered by related income.

6. The head of the Convention Secretariat may make transfers within each of the main appropriation lines of the approved core budget. The head of the Convention Secretariat may also make transfers between such appropriation lines up to limits which the Conference of the Parties may set as appropriate.

Funds

7. A General Fund for the Convention shall be established by the Secretary-General of the United Nations and managed by the head of the Convention Secretariat. Contributions made pursuant to paragraph 12 (a), along with any additional contributions to offset core budget expenditures that are made, pursuant to paragraphs 12 (b) and 12 (c), by the Government hosting the Convention Secretariat and by the United Nations shall be credited to the General Fund. All core budget expenditures made pursuant to paragraph 5 shall be charged to the General Fund.

8. Within the General Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Conference of the Parties by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

9. A Supplementary Fund shall be established by the Secretary-General of the United Nations and managed by the head of the Convention Secretariat. The Supplementary Fund shall receive contributions pursuant to paragraphs 12 (b) and (c), other than those specified in paragraphs 7 and 10, including contributions earmarked, in accordance with paragraph 15, for:

(a) Support to the participation of some representatives of non-governmental organizations from affected developing country Parties, particularly the least developed among them, in sessions of the Conference of the Parties;

(b) Facilitation of assistance to affected developing countries in accordance with article 23, paragraph 2 (c), and article 26, paragraph 7, of the Convention;

(c) Other appropriate purposes consistent with the objectives of the Convention.

10. A Special Fund shall be established by the Secretary-General of the United Nations and managed by the head of the Convention Secretariat. The Special Fund shall receive contributions pursuant to paragraphs 12 (b) and (c) earmarked to support the participation of representatives of developing, and in particular least developed, country Parties affected by desertification and/or drought, particularly those in Africa, in the sessions of the Conference of the Parties and its subsidiary bodies.

11. In the event that the Conference of the Parties decides to terminate a fund established pursuant to the present rules, it shall so advise the Secretary-General of the United Nations at least six months before the date of termination so decided. The Conference of the Parties shall decide, in consultation with the Secretary-General of the United Nations, on the distribution of any uncommitted balances after all liquidation expenses have been met.

Contributions

12. The resources of the Conference of the Parties shall comprise:

(a) Contributions made each year by Parties on the basis of an indicative scale adopted by consensus by the Conference of the Parties, and based on such a scale of assessments of the United Nations as may be adopted from time to time by the General Assembly, adjusted so as to ensure that no Party contributes less than 0.01 per cent of the total, that no one contribution exceeds 25 per cent of the total and that no contribution from a least developed country Party exceeds 0.01 per cent of the total;

(b) Other contributions made by Parties in addition to those made pursuant to paragraph (a);

(c) Contributions from States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations, and other sources;

(d) The uncommitted balance of appropriations from previous financial periods attributed to the fund concerned;

(e) Miscellaneous income attributed to the fund concerned.

13. The Conference of the Parties shall, in adopting the indicative scale of contributions referred to in paragraph 12 (a), make adjustments to take account of contributions of Parties which are not members of the United Nations, as well as those of regional economic integration organizations that are Parties.

14. In respect of contributions made pursuant to paragraph 12 (a):

(a) Contributions for each calendar year are expected on or before 1 January of that year;

(b) Each Party shall, as far in advance as possible of the date due for the contribution, inform the head of the Convention Secretariat of the contribution it intends to make and of the projected timing of that contribution.

15. Contributions made pursuant to paragraphs 12 (b) and (c) shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention, as may be agreed between the head of the Convention Secretariat and the contributor. Contributions to the Supplementary Fund referred to in paragraph 9 shall, as appropriate, be placed in sub-accounts.

16. Contributions made pursuant to paragraph 12 (a) from States and regional economic integration organizations that become Parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.

17. All contributions shall be paid in United States dollars or its equivalent in a convertible currency into a bank account to be designated by the Secretary-General of the United Nations, in consultation with the head of the Convention Secretariat.

18. The head of the Convention Secretariat shall acknowledge promptly all pledges and contributions and shall inform the Parties, once a year, of the status of pledges and payments of contributions.

19. Contributions not immediately required shall be invested at the discretion of the Secretary-General of the United Nations, in consultation with the head of the Convention Secretariat. The resulting income shall be credited to the appropriate fund or funds referred to in paragraphs 7, 9 and 10.

Accounts and audit

20. The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of the United Nations.

21. During the second year of the financial period the United Nations shall provide the Parties with an interim statement of accounts for the first year of the financial period. The United Nations shall also, as soon as practicable, provide to the Parties a final audited statement of accounts for the full financial period.

Administrative support costs

22. The Conference of the Parties, under such terms as may from time to time be mutually agreed upon between it and the United Nations, shall reimburse the United Nations from the funds referred to in paragraphs 7, 9 and 10, as the case may be for the purposes of services rendered, including the administration of the relevant fund by the United Nations, to the Conference of the Parties, its subsidiary bodies and the Convention Secretariat.

Amendments

23. Any amendment to the present rules shall be adopted by the Conference of the Parties by consensus.

Decision 3/COP.1

Designation of a Convention Secretariat and arrangements for its functioning: administrative and support arrangements

The Conference of the Parties,

Recalling that the Conference of the Parties, in accordance with article 23, paragraph 3, of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, shall, at its first session, designate a Convention Secretariat and make arrangement for its functioning,

Having examined the recommendations of the Intergovernmental Negotiating Committee on the administrative arrangements involved in the designation of a Convention Secretariat and arrangements for its functioning,

1. Notes with appreciation the advice of the Secretary-General of the United Nations on this matter, as contained in document A/AC.241/44, as amended in paragraph 4 of document A/AC.241/55, as well as the clarifications in document A/AC.241/64 and related comments made in Working Group I of the Committee,

2. Also notes with appreciation the advice of the Executive Director of the United Nations Environment Programme on this matter, as contained in document A/AC.241/55/Add.2, as well as the clarifications in document A/AC.241/64 and related comments made in Working Group I of the Committee;

3. Accepts the offer of the Secretary-General of the United Nations, contained in documents A/AC.241/44 and A/AC.241/55, for the United Nations to provide the administrative and support arrangements for the Convention Secretariat, and requests the Secretary-General to provide these administrative and support arrangements for the Convention Secretariat of the Convention, pursuant to article 23 of the Convention;

4. Decides that, in order for the Convention Secretariat to enjoy the administrative and financial autonomy necessary to ensure efficient servicing of the Convention and of its implementation, it should not be fully integrated into the work programme and management structure of any particular department or programme of the United Nations;

5. Decides to review these arrangements not later than at its fourth session, in consultation with the Secretary-General, with a view to making such modifications as may be considered desirable by both parties;

6. Requests the Executive Secretary to pursue the question of the allotment of overhead to defray administrative expenses as indicated in the advice of the Secretary-General and to report the results at its second session;

7. Expresses its appreciation to the departments and programmes of the United Nations, as well as agencies of the United Nations system, that have supported the interim secretariat of the Convention and the Intergovernmental Negotiating Committee process in general, expresses the desire that the support and cooperation given by those departments, programmes and agencies should continue, and invites these entities and the Executive Secretary to collaborate in reaching understandings that specify the nature of cooperation and support that each entity would provide to the Convention Secretariat.

Decision 4/COP.1

Interim arrangements for the Conference of the Parties and for the Secretariat of the Convention

The Conference of the Parties,

Recalling the General Assembly resolution 51/180 whereby it approved the interim arrangements for the Conference of the Parties to the CCD and the Secretariat of the Convention;

1. Notes with appreciation the offer of the Secretary-General of the United Nations to provide the administrative and support arrangements for the Convention Secretariat as contained in documents A/AC.241/44 and A/AC.241/55;

2. Requests the General Assembly, bearing in mind the institutional linkage of the Convention Secretariat to the United Nations and the large number of States including those who are on the list of LDCs that are Parties to the Convention, to decide to finance from the Regular Programme Budget of the United Nations the Conference servicing costs arising from sessions of the Conference of the Parties and subsidiary bodies for the duration of the institutional linkage approved by the Conference of the Parties decision,

3. Requests further the General Assembly to include the second session of the Conference of the Parties to the Convention and the meetings of its subsidiary bodies in the calendar of conferences and meetings for 1998-1999;

4. Requests also the Secretary-General to appoint, after consultation with the Conference of the Parties through its Bureau, the first head of the Convention Secretariat, with the title of Executive Secretary at the level of Assistant Secretary-General on an exceptional basis for a three-year period starting on 1 January 1999, and decides that at the end of the term of the first head of the Convention Secretariat the post of the head of the Convention Secretariat be classified at the D-2 level, with all other senior posts of the Secretariat from 1 January 1999 having appropriate relationship to the D-2 level;

5. Requests the President of the first Conference of the Parties to the UNCCD to present to the General Assembly the results of its first session held in Rome from 29 September to 10 October 1997;

6. Requests the Executive Secretary to report to its second session on the implementation of this decision.

Decision 8/COP.1

Extrabudgetary funding for 1998

The Conference of the Parties,

Having considered the report of the Executive Secretary on extrabudgetary funding for the Interim Secretariat in 1998 (ICCD/COP(1)/4),

1. Takes note of the estimates of requirements for extrabudgetary funding for 1998 submitted by the Executive Secretary;

2. Notes with appreciation the contributions made thus far to the Trust Fund established pursuant to General Assembly resolution 47/188, and invites Parties, as well as Governments of States not Parties, regional economic integration organizations and other interested organizations, to continue to make voluntary contributions to that fund during the transition period following the first session of the Conference of the Parties, which should end no later than 31 December 1998;

3. Also notes with appreciation the contributions made thus far to the Special Voluntary Fund established pursuant to General Assembly resolution 47/188, and also invites Parties, as well as Governments of States not Parties, regional economic integration organizations and other interested organizations, to continue to make voluntary contributions to that fund during the transition period so that developing countries affected by desertification and drought, in particular least developed countries, can participate fully and effectively in the second session of the Conference of the Parties;

4. Requests the head of the Secretariat to report to the second session of the Conference of the Parties on the status of contributions to, and expenditures from, the Trust Fund and the Special Voluntary Fund;

5. Decides that the head of the Interim Secretariat, under the authority of the Secretary-General, may use the Special Voluntary Fund, as appropriate, to assist developing countries affected by desertification and drought, in particular the least developed countries, to participate fully and effectively in the second session of the Conference of the Parties;

6. Decides further that the head of the Interim Secretariat, under the authority of the Secretary-General, may use the Trust Fund, as appropriate, to support also the participation of representatives of non-governmental organizations in the work of the second session of the Conference of the Parties;

7. Requests the General Assembly to take necessary action to arrange for the Secretary-General to authorize the head of the Interim Secretariat to use the Special Voluntary Fund and the Trust Fund in accordance with paragraphs 5 and 6 above;

8 Requests the General Assembly to transfer any amounts remaining in the Trust Fund and the Special Voluntary Fund as of 31 December 1998 respectively to the Supplementary Fund to be established pursuant to paragraph 9 of the financial rules and to the Special Fund to be established in accordance with paragraph 10 of the financial rules

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UNITED
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General Assembly

Distr.
GENERAL

A/52/550
30 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 87

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Report of the Secretary-General

(in pursuance of General Assembly resolution 51/135)

1. The present report is submitted in pursuance of General Assembly resolution 51/135 of 13 December 1996, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decisions;

"2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

"3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

"4. Calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against the population of the occupied Syrian Golan;

"5. Deplores the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

"7. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution."

2. On 18 June 1997, the Secretary-General addressed a note verbale to the Minister for Foreign Affairs of the State of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Minister inform him of any steps his Government had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 18 June 1997, the Secretary-General also drew the attention of all States parties to the Convention to paragraph 6 of resolution 51/135.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/52/551
30 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 87

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Report of the Secretary-General

(in pursuance of General Assembly resolution 51/132)

1. The present report is submitted in pursuance of General Assembly resolution 51/132 of 13 December 1996, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

"2. Demands that Israel accept the de jure applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

"3. Calls upon all States parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

"4. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution."

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2. On 18 June 1997, the Secretary-General addressed a note verbale to the Minister for Foreign Affairs of the State of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Minister inform him of any steps his Government had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 18 June 1997, the Secretary-General also drew the attention of all States parties to the Convention to paragraph 3 of resolution 51/132.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/52/552
30 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 87

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Report of the Secretary-General

(in pursuance of General Assembly resolution 51/134)

1. The present report is submitted in pursuance of General Assembly resolution 51/134 of 13 December 1996, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Determines that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity and that such measures should cease immediately;

"2. Demands that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people;

"3. Calls for an immediate end of the closure and the assurance of the freedom of movement of persons and goods within the Palestinian territory and with the outside world in conformity with international law and the agreements reached;

"4. Calls upon Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

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"5. Calls for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the occupied territory;

"6. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution."

2. On 18 June 1997, the Secretary-General addressed a note verbale to the Minister for Foreign Affairs of the State of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Minister inform him of any steps his Government had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/52/553
30 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 87

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Report of the Secretary-General

(in pursuance of General Assembly resolution 51/131)

1. The present report is submitted in pursuance of General Assembly resolution 51/131 of 13 December 1996. Paragraph 8 of the resolution reads as follows:

"The General Assembly,

"...

"8. Requests the Secretary-General:

"(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

"(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

"(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

"(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

"(e) To report to the General Assembly at its fifty-second session on the tasks entrusted to him in the present resolution".

2. All necessary facilities were provided to the Special Committee. Arrangements were made for it to meet in February, May/June and August 1997. Furthermore, the Special Committee carried out a field mission to Egypt, Jordan and the Syrian Arab Republic in May/June 1997. Two periodic reports and the twenty-ninth annual report of the Special Committee have been circulated to Member States (A/52/131 and Add.1 and 2).

3. Pursuant to paragraph 8 (d) of resolution 51/131, the Department of Public Information undertook the following activities:

(a) The Department of Public Information continued to provide press coverage of the meetings of the Special Committee. Extensive press and audio-visual coverage was also provided for the meetings of the Commission on Human Rights. The methods used by the Department to provide this coverage included production of press releases, publications, television news packages and radio programmes, and organizing press briefings and briefings for the public;

(b) The Department continued to disseminate United Nations information materials, documents and press releases on the activities of the Special Committee and the Commission on Human Rights through the global network of United Nations information centres and services in 69 countries, the 359 depository libraries in 141 countries and electronically through the Internet. The Department also continued to make information materials available to non-governmental organizations through its Resource Centres in New York and Geneva;

(c) The Department provided press coverage to the Special Committee's field mission to Egypt, Jordan and the Syrian Arab Republic from 30 May to 9 June 1997. Press releases about the activities of the Committee were issued at Headquarters and United Nations Information Service at Geneva and the United Nations Information Centres at Cairo and Amman, and the Economic and Social Commission for Western Asia assisted with media coverage during the Committee's mission in that region.

4. It should be also noted that, on 18 June 1997, the Secretary-General addressed a note verbale to all States drawing attention to resolutions 51/131, 51/132, 51/134 and 51/135.

United Nations A/52/554

General Assembly

Distr.: General
31 October 1997

Original: English

Fifty second session
Agenda item 45

The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 51/198 B of 27 March 1997, in which the Assembly decided to authorize the expansion of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, to be known thenceforth as the United Nations Verification Mission in Guatemala (MINUGUA), for a period of one year, until 31 March 1998, to carry out international verification of the peace agreements signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in Guatemala City on 29 December 1996. In the same resolution, the Assembly requested me to submit recommendations on the structure and staffing of the Mission after March 1998.

II. Background

2. Until the adoption of resolution 51/198 B, the mandate of MINUGUA was limited to verifying the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I) and the human rights aspects of the Agreement on the Identity and Rights of Indigenous People (A/49/882-S/1995/256, annex). However, the package of agreements signed by the Government of Guatemala and URNG in December 1996 included detailed commitments on political, legislative, social, economic, agrarian, ethnic, military and public security issues, which were bound together into a national peace agenda. Consistent with the parties' requests in all the agreements signed since January 1994, it was stressed in the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (A/51/796-S/1997/114, annex I) that international verification was essential to the implementation process and to strengthening confidence in the consolidation of peace. Thus, the parties requested that all the signed agreements be verified by an expanded MINUGUA, that the Mission's functions should also comprise good offices and advisory and public information activities and that the

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duration of its mandate should be the same as that of the timetable, namely, four years, from 1997 to 2000.

3. The implementation calendar agreed upon by the parties consists of three consecutive phases. The first phase, of 90 days, covered, *inter alia*, the establishment of joint commissions for the demobilization of URNG; the reform of justice and electoral systems; the promotion of indigenous rights; and the modernization of the legislative branch. The second phase, which covered the remainder of 1997, emphasized social and productive investment, modernization and decentralization of the State, public administration reform, rural development, fiscal reform and the restructuring of public security and national defence. The third phase, from 1998 to 2000, covered further development of the above measures, implementation of the outcome of the various commissions and promotion of broad legislative reform on issues such as the Penal Code, the administration of justice, land tenure and the multi-ethnic, multicultural and multilingual nature of Guatemala.

III. Progress of implementation

4. Since the adoption of resolution 51/198 B, the verification of the parties' commitments by MINUGUA has proceeded according to the phases outlined in paragraph 3 above. The successful implementation and verification of the Agreement on a Definitive Ceasefire (S/1996/1045, annex) was described in my report to the Security Council of 4 June 1997 (S/1997/432). On 13 June, I called upon Member States to respond generously to the appeal for funds to allow for the establishment of the Historical Clarification Commission, an independent body charged with examining human rights violations committed during Guatemala's long conflict. That initial appeal was successful, and the Commission was formally inaugurated in Guatemala City on 31 July.

5. Details of the parties' compliance with all other agreements during the first six months of peace were presented in my report to the General Assembly of 30 June 1997 (A/51/936). In that report I described the steps that the parties had taken to comply with the first stage of implementation, which provided for the establishment of the Follow-up Commission as well as the joint commissions referred to in paragraph 3, all of which aimed at broadening social participation in the process. Despite the progress made in that regard, I stressed that there was a need to promote a better understanding of the prospects offered by the peace agreements and to ensure that their benefits reached all of society, in particular the traditionally neglected rural communities. I reminded political parties that they had a special responsibility to discuss and adopt the legislative aspects of the peace agenda, in particular the required constitutional amendments. I concluded by appealing to all Guatemalans to face up to the challenges of peace-building with courage and determination.

6. The General Assembly considered my report and reiterated its full support of the peace process in its resolution 51/198 C of 31 July 1997. The Assembly encouraged the two parties and all sectors of Guatemalan society to join efforts to carry out the steps provided for in the second phase of implementation.

7. MINUGUA has continued to report on compliance with the commitments of the Comprehensive Agreement on Human Rights and to carry out institution-building tasks. On 10 September, I transmitted to the General Assembly the seventh report of MINUGUA on human rights (A/52/330), covering the period from 1 January to 30 June 1997. An appendix to the report, on human rights violations, was prepared by MINUGUA and issued in Guatemala. In its report, the Mission pointed out that the Government had, in general terms, complied with its commitment to respect the autonomy and safeguard the freedom of action of the judiciary and the Public Prosecutor's Office, and noted that both of those institutions were showing moderate signs of improvement. The Mission also noted a steady drop in the number of violations committed by public officials. However, verification revealed that there had been little progress with regard to the observance of due process and that most unlawful acts went unpunished. Similarly, respect for procedural guarantees remained erratic, and discriminatory situations persisted with regard to indigenous peoples' access to the justice system. MINUGUA also noted the participation in anti-kidnapping operations of institutions with no authority to engage in them, pointing out that even though such operations may take place in the context of efforts to counter organized crime, it constituted a serious violation of the commitment that there be no illegal security forces. MINUGUA concluded that overcoming institutional weaknesses required not only political will but also a gradual strengthening of capabilities. In that respect, steps such as the establishment of the Commission on the Strengthening of the Justice System and the creation and preliminary deployment of the new National Civil Police were encouraging.

8. I again referred to the Guatemalan peace process in the context of my report of 11 September on the situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development (A/52/344).

In that report I noted that MINUGUA was in the process of verifying the second phase of implementation of the Guatemalan peace agreements. I recalled that the second phase placed emphasis on social spending, modernization of State institutions, reform of public administration and the tax system, rural development and the restructuring of public security and national defence. I reminded Member States that the months remaining until the end of 1997 would thus be a crucial time for Guatemala, during which the parties, national institutions and society at large would have to move forward vigorously to allow diverse and far-reaching transformations to become a reality. In early 1998 I will submit to the General Assembly a progress report on compliance during the second phase of implementation.

IV. Structure and staffing of the Mission

9. As described in my report of 14 March (A/51/828), the peace agreements imposed increased responsibilities on MINUGUA. Thus, the recommendations made at that time were preliminary estimates of the structure and staffing the Mission would require to verify the detailed commitments on political, legislative, social, economic, agrarian, ethnic, military and public security issues, as set out in the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements. Every effort was made to enable MINUGUA to carry out broader verification tasks without a corresponding increase in resources.

10. In the light of the experience gained since the peace agreements were signed, an assessment mission, comprising one official each from the Department of Political Affairs and the Department of Peacekeeping Operations, was dispatched to Guatemala from 16 to 20 September to ensure that the structure, personnel and administrative and logistical capacity of MINUGUA were such that the Mission could respond adequately to the demands of the verification process until the end of 2000. After discussions with the parties, members of Guatemalan civil society, the diplomatic community, representatives of the United Nations system and senior MINUGUA staff, the evaluation mission made a series of recommendations aimed at improving the substantive and practical capacity of the Mission.

11. Following those recommendations, it was determined that minor adjustments would need to be made to the Mission's staffing and regional deployment during the biennium 1998-1999 in order to strengthen its capacity to coordinate its work, attract and retain highly qualified staff, ensure an adequate geographical coverage of the country, address all the substantive areas of verification in compliance with its mandate and ensure adequate liaison with other international institutions and bodies.

12. The staffing modifications would involve:

(a) Strengthening the Office of the Deputy Chief of Mission/Field Coordinator;

(b) Making some adjustments to the staffing of regional offices and sub-offices;

(c) Reviewing the level of the posts of the heads of the Mission's five substantive areas (human rights; indigenous affairs; social, economic and agrarian; strengthening of civil power; and resettlement and integration);

(d) Reinforcing the Mission's focal point for contacts with other international human rights institutions and bodies;

(e) Providing the Spokesman and the Department of Public Information with national officers who would serve as information liaisons in the regions;

(f) Reviewing the earlier decision to reduce the number of civilian police observers in view of the grave public security situation;

(g) Adding three officers to the military liaison team.

13. Minor adjustments were also considered necessary in the regional deployment structure in order to facilitate the access of the population to MINUGUA offices, to maximize the impact of the Mission's verification, good offices and advisory roles and its public information activities throughout the country and to achieve a more rational use of the Mission's human and material resources by limiting travel time.

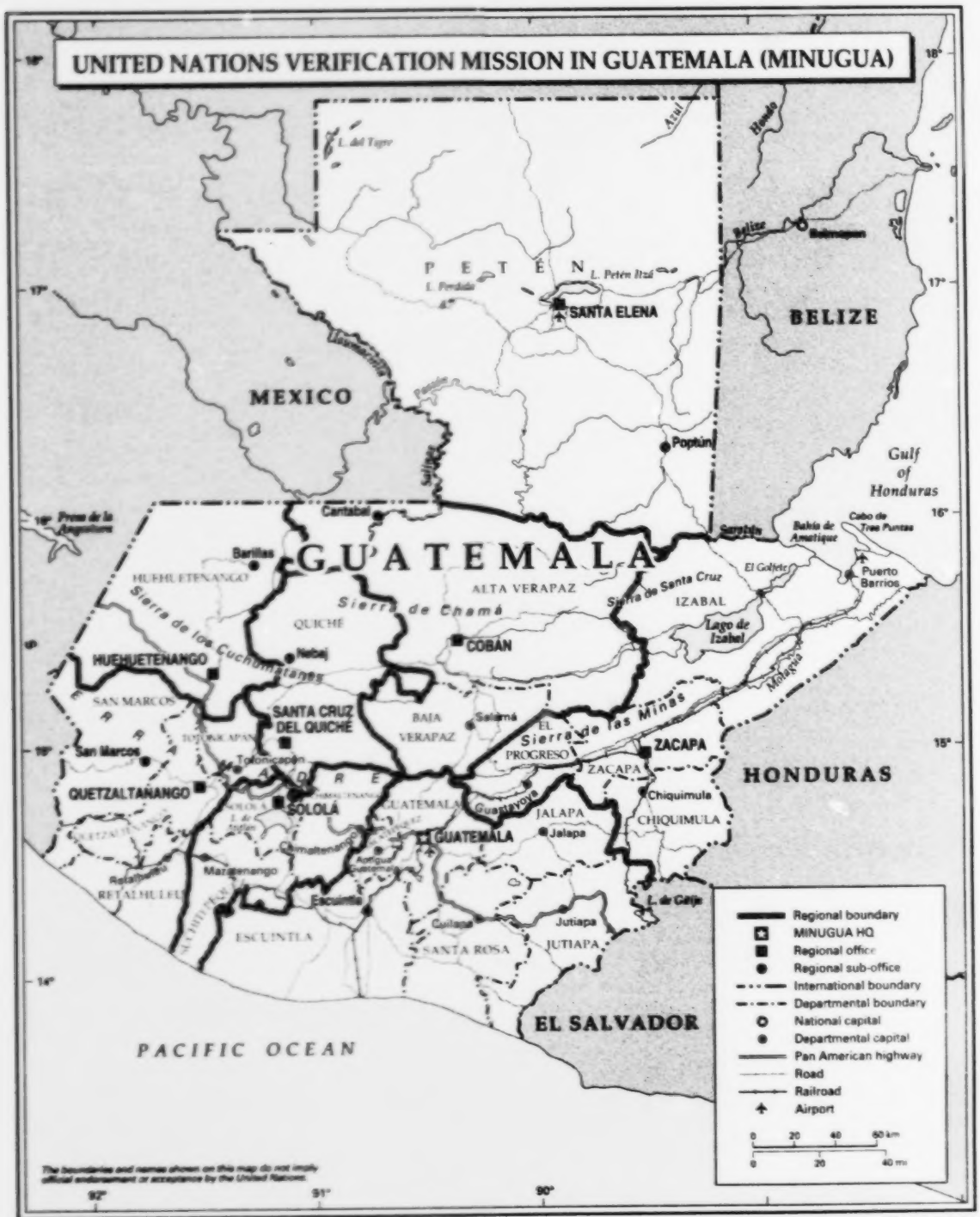
14. Taking into account the considerations indicated in the preceding paragraphs, the related financial requirements inclusive of support staff and operational costs for the period from 1 April 1998 to 31 December 1999 (21 months) are estimated at approximately $61 million.

V. Observations

15. The mandate of MINUGUA in Guatemala is a challenging one, given the comprehensive nature of the peace agreements that the parties have requested it to verify on behalf of the international community and the diverse activities it must carry out. The Mission's primary functions are to serve as guarantor of the full implementation of the

agreements and to support the strengthening of Guatemala's institutions. It also has the important task of instilling confidence in the peace process, thus contributing to national dialogue and reconciliation.

16. As mentioned above, the Government of Guatemala and URNG have stressed in the Implementation, Compliance and Verification Timetable for the Peace Agreements that international verification is essential for providing greater certainty to the implementation process and they have requested that the duration of the Mission's mandate should be the same as that spanned by the timetable, namely, four years, from 1997 to the end of 2000. That would allow for continuity in the Mission's activities and also provide an opportunity for adequate administrative and financial planning within the regular budget for the biennium 1998-1999. In this context, I recommend that the General Assembly authorize the renewal of the mandate of MINUGUA beyond 31 March 1998 until 31 December 1999, subject to regular reports on progress in the implementation of the commitments within the peace agreements, and that the Mission be provided with the resources referred to in the present report.



Map No. 3839 Rev. 3 UNITED NATIONS
March 1997

Department of Public Information
Cartographic Section

UNITED NATIONS

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General Assembly

Distr.
GENERAL

A/52/555
31 October 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 39 (b)

OCEANS AND THE LAW OF THE SEA: AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER 1982 RELATING TO THE CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 51/35 of 9 December 1996, the General Assembly recognized the significance of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the 1995 Fish Stocks Agreement") as an important contribution to ensuring the conservation and management of the two fish stocks concerned, emphasized the importance of its early entry into force and its effective implementation, and called upon all States and other entities that had not done so to ratify or accede to it and to consider applying it provisionally.

2. The General Assembly, while taking note with concern that many commercially important straddling and highly migratory fish stocks had been subject to heavy and little-regulated fishing, with some stocks continuing to be overfished, welcomed the fact that a growing number of States and other entities, as well as regional and subregional fishery management organizations and arrangements, had adopted legislation, established regulations or taken other measures to implement the provisions of the Agreement, and urged them to enforce those measures fully. It also called upon States and other entities and regional and subregional fishery management organizations and arrangements that had not done so to consider taking measures to implement the provisions of the Agreement.

3. In resolution 51/35 the Assembly also requested the Secretary-General to report to it at its fifty-second session and biennially thereafter on further developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, including the status and implementation of the Agreement, taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations (FAO), and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and urged States, relevant specialized agencies, international organizations, intergovernmental bodies and non-governmental organizations that had not yet done so to provide information to the Secretary-General to ensure as comprehensive a report as possible (see A/52/487, paras. 20-24).

4. Accordingly, the Secretary-General sent a note verbale to all States drawing their attention to General Assembly resolution 51/35. Letters were also addressed to relevant intergovernmental organizations and organizations and bodies of the United Nations system, as well as regional and subregional fisheries organizations and arrangements and relevant non-governmental organizations. In response, the Secretary-General received a number of submissions and comments. He wishes to express his appreciation for all the contributions.

II. INFORMATION PROVIDED BY STATES

5. In its response dated 12 June 1997, Barbados indicated that, although it was not a member of the International Commission for the Conservation of Atlantic Tunas, it was considering adopting the Commission's minimum size regulations as part of its domestic fisheries management legislation. In addition, international vessels using Barbados for the trans-shipment of highly migratory species were monitored while in port and data were collected on catch and effort.

6. In its reply of 13 June 1997, Mauritius reported that it had acceded to the 1995 Fish Stocks Agreement on 25 March 1997 and that it had been a member of the Indian Ocean Tuna Commission since 24 November 1994.

7. In its submission of 13 June 1997, Kiribati stated that it had already taken steps at the national level to conserve and manage highly migratory fish species, including tuna stocks, by limiting the number of purse-seiners allowed to fish within its exclusive economic zone and by imposing a 60-mile fishing limit off Tarawa and Kiritimati to foreign fishing vessels licensed to fish in Kiribati waters. Its current bilateral agreements with distant-water fishing nations incorporated terms and conditions relating to the management of the tuna resources, such as the placement of observers on board fishing vessels, the obligation to report upon entry and exit from the exclusive economic zone, the provision of catch data, the facilitation of surveillance and identification and the requirement that all vessels comply with the international standard specifications for the marking and identification of fishing vessels. At the regional level, together with other members of the South Pacific Forum Fisheries Agency, Kiribati was working to establish a management arrangement for the tuna resources within the region through the creation of a subcommittee of the Agency with the specific task of developing the modalities of such an arrangement and ensuring consistency with the conservation and management regime of the 1995 Fish Stocks Agreement.

8. In its letter dated 27 June 1997, Latvia indicated that it had 15 high-seas vessels fishing in the areas covered by the Northwest Atlantic Fisheries Organization and the North-East Atlantic Fisheries Commission, as well as in the exclusive economic zones of several African countries, including Mauritania, Morocco and Senegal. Although Latvia did not have separate regulations for high-seas fishery, fishing vessels flying its flag had complied with existing conservation and management fishing norms, quotas and regulations applicable to all fishing areas. In addition, Latvia had provided statistical catch reports to the competent regional fishery commissions and FAO.

9. In its response of 30 June 1997, Maldives stated that, in accordance with the provisions of the 1995 Fish Stocks Agreement requiring States to provide fisheries data to regional or subregional fisheries management organizations, it had collected and submitted time series of catch and efforts statistics concerning different types of fisheries to the relevant regional bodies. Purse-seining was prohibited in its exclusive economic zone.

10. In its submission of 1 July 1997, Fiji indicated that it had already signed and ratified the 1995 Fish Stocks Agreement and had complied with General

Assembly resolutions relating to fisheries issues. At the national level, Fiji had adopted a tuna policy requiring the establishment of a total allowable catch for various species of tuna harvested in its exclusive economic zone, based on scientific information provided by the South Pacific Commission and data supplied by vessels fishing within the zone. The number of vessels allowed to operate in the exclusive economic zone was also limited to 150 in order to ensure sustainable development of its resources. The naval component of the Fiji military force enforced fishing regulations.

11. In addition, Fiji indicated that, at the regional level, as a member of the South Pacific Forum Fisheries Agency, it had received advice from that organization on the management and conservation of tuna stocks. It pointed out that the mandate of the Agency allowed it to monitor foreign fishing throughout the region. As a result, member States had accepted the concept of promoting the optimum utilization of highly migratory species of tuna in the area as a common property belonging to all members of the Agency.

12. In its reply of 2 July 1997, Pakistan stated that it fully supported the 1995 Fish Stocks Agreement and had initiated the process of ratifying it.

13. In its submission of 9 July 1997, Peru indicated that it had not signed the 1995 Fish Stocks Agreement. However, in its General Fisheries Act, which contains regulations, fisheries management plans and other regulatory measures, Peru had taken into account the basic principles of responsible fisheries provided in the United Nations Convention on the Law of the Sea and various international fisheries agreements, including the 1995 Fish Stocks Agreement.

14. The fisheries management rules included in Peru's General Fisheries Act provided that fisheries should be managed on the basis of up-to-date knowledge of all relevant factors. The Act also allowed it to establish a system of management that would reconcile the principle of sustainability of fisheries resources with the economic and social benefits derived from their exploitation. Such an approach would therefore take into account, as appropriate, access regimes, total allowable catch, levels of fishing effort, closed and open seasons, minimum catch sizes, prohibited or reserved areas, fishing gear and techniques, as well as monitoring and control of fishing activities.

15. In view of the importance of the 1995 Fish Stocks Agreement for the management of high-seas fisheries and the interdependence of such fisheries with those in zones under national jurisdiction, several countries in the region (Chile, Colombia, Ecuador and Peru), through the Permanent South Pacific Commission had been gathering scientific information on the resources from foreign fleets fishing on the high seas adjacent to zones under their jurisdiction. National and regional meetings were also being organized in order to enhance the technical capacity of the countries of the region.

16. In its response dated 10 July 1997, the Republic of Korea indicated that in order to implement the provisions of the 1995 Fish Stocks Agreement it had taken the following measures: joining 12 international fisheries organizations, including the International Commission for the Conservation of Atlantic Tunas and the Indian Ocean Tuna Commission, and applying to join other organizations and arrangements, including the Commission for the Conservation of Southern

Bluefin Tuna; submitting annual fishing statistics to, inter alia, the International Commission for the Conservation of Atlantic Tunas, the Commission for the Conservation of Antarctic Marine Living Resources and the South Pacific Forum Fisheries Agency; organizing an annual research cruise in the Bering Sea to survey pollock resources; conducting scientific monitoring of and studying stock status, ecological characteristics, tagging, marine mammals and discards of straddling fish stocks and highly migratory fish stocks; and incorporating the recommendations of the International Commission for the Conservation of Atlantic Tunas and regulations of the Western Central Atlantic Fishery Commission into domestic rules and regulations.

17. In its submission of 11 July 1997, Colombia reported that it had included in its legal regime regulations and practices relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, in particular General Fishing Act No. 13 of 1990 and Regulatory Decree No. 2256 of 1991, which provided measures relating to fisheries management; Agreement No. 5 of the National Institute for Fishery and Aquaculture regulating fishing gear, methods and systems for catching marlin, sailfish, swordfish and related species; and resolutions 095 of 1994 and 02 of 1995 regulating tuna fishing in the Pacific Ocean by fishing vessels with a capacity of over 400 tons flying the Colombian flag.

18. Although Colombia was not a member of the Inter-American Tropical Tuna Commission, it had participated in its meetings as an observer and had accepted the recommendations of the 1992 La Jolla Agreement and the 1995 Panama Declaration regarding the protection of dolphins in yellowfin tuna fisheries in the eastern Pacific Ocean.

19. In addition, Colombia pointed out that member States of the Permanent South Pacific Commission had established a working group on fisheries assessment and management in the south-eastern Pacific Ocean as an advisory organ to the Commission, with the task of compiling information on highly migratory and straddling species for the purpose of helping member countries to adopt strategies and actions for the conservation and management of those resources.

20. In its reply of 11 July 1997, the Russian Federation indicated that it had ratified the 1995 Fish Stocks Agreement on 26 April 1997. It also stated that it had endeavoured to incorporate the provisions of the Agreement into its national legislation and to ensure its implementation. In that respect a bill on fisheries and the protection of marine biodiversity under consideration in the Federal Assembly of Russia, as well as negotiations and preparation of international agreements on fisheries, had taken into account the provisions of the Agreement.

21. In its response of 23 July 1997, Norway stated that it had ratified the 1995 Fish Stocks Agreement on 30 December 1996 after its unanimous approval by the Norwegian Parliament. Negotiations were in progress among coastal States and States having a real interest in the north-eastern Arctic cod fisheries to establish appropriate management arrangements for the part of the stock found in areas beyond national jurisdiction. In addition, an agreement between the European Union, the Faroe Islands, Iceland, Norway and the Russian Federation was concluded in Oslo on 14 December 1996 for the regulation of fishing by those

countries for Norwegian spring-spawning herring in 1997. The agreement was followed by a North-East Atlantic Fisheries Commission regulation establishing management of the stock for areas outside national jurisdiction. A 1996 North-East Atlantic Fisheries Commission regulation had also established management of the straddling stock of redfish found both within and beyond areas of national jurisdiction in the Convention area for 1997.

22. In its reply of 24 July 1997, the United Arab Emirates reported that it was cooperating with neighbouring countries in various fisheries projects. It was also cooperating in the conservation and management of highly migratory fish stocks through the Indian Ocean Fishery Commission and the Indian Ocean Tuna Commission.

23. In its submission dated 29 July 1997, the United States of America indicated that it was pleased to have played a substantial role in the successful negotiation of the 1995 Fish Stocks Agreement. It had signed the Agreement on 4 December 1995 and had deposited its instrument of ratification with the Secretary-General on 21 August 1996.

24. The United States considered the Agreement to be a major achievement in promoting better stewardship of marine life, and it was committed to bringing the Agreement into force as rapidly as possible. In fulfilling that commitment, it had embarked in September 1995 on a campaign to promote, through diplomatic channels, the signing and ratification of the Agreement, presenting requests since then to more than 130 United Nations Member States. Appeals had also been made to non-member States to adhere to the principles of the Agreement.

25. In addition, the United States emphasized that it was currently a party to a number of regional and subregional fishery management organizations and arrangements to which the Agreement would apply. The Agreement would strengthen the ability of regional organizations and arrangements to carry out their conservation and management responsibilities. That belief had led the United States to encourage those organizations and arrangements which managed straddling and highly migratory fish stocks to apply provisionally key provisions of the Agreement, such as those related to the precautionary approach, transparency, participation by new members, compliance and enforcement and fishing activities of non-members and non-participants, before its entry into force. It intended in the coming months and years to work to achieve widespread adherence to those provisions, and was also prepared to work with other members of the international community to establish organizations and arrangements in regions where none existed in accordance with the relevant provisions of the Agreement.

26. In its report of 12 August 1997, the Philippines indicated that it had signed the 1995 Fish Stocks Agreement on 29 August 1996 and was currently in the process of completing its internal requirements to be bound by the Agreement. Part of that process was related to the existence or establishment of appropriate regional or subregional fisheries conservation and management organizations or arrangements. The Philippines intended to participate actively in negotiations on the establishment of such organizations or arrangements. It had also drawn up a comprehensive programme to prepare for the coming into force of the Agreement and had participated in the Second Multilateral High-Level

Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific (Majuro, 10-13 June 1997), which adopted the Majuro Declaration by acclamation (see also para. 49).

27. In its reply of 13 August 1997, Italy indicated that it had signed the 1995 Fish Stocks Agreement on 26 June 1996 and that the process of ratifying it had commenced.

28. Oman reported on 22 August 1997 that it had continued to participate in regional and international organizations such as the Indian Ocean Tuna Commission and the Committee for the Development and Management of Fishery Resources of the Gulf in an endeavour to develop effective regional and international cooperation and coordination in the collection and analysis of scientific data, as well as information relating to straddling and highly migratory fish stocks with a view to ensuring better conservation and management of fishery resources.

29. In its response of 12 September 1997, the Bahamas indicated that it had no commercial fishing activities targeting any of the recognized highly migratory fish stocks.

30. On 16 September 1997, New Zealand indicated that it was continuing working towards the ratification of the 1995 Fish Stocks Agreement and, in the interim, southern bluefin tuna caught by its vessels continued to be regulated under the global quota system of the Commission for the Conservation of Southern Bluefin Tuna. A quota management system based on individual transferable quotas had been in place since 1986 for the major commercial fisneries and was widely supported by the New Zealand fishing industry. New Zealand described the individual transferable quota as a proportion of the catch limit based on scientific information such that the fish stock in question would move towards a biomass size that would support maximum sustainable yield. In general, the quota management system had been successful, according to a recent study indicating that of the fish stocks with known status, 85 per cent were above, at or very close to the desired biomass size, with rebuilding strategies in place for the remaining 15 per cent.

31. New Zealand expressed serious concern, however, about the rapid development of large-scale illegal and unregulated fishing for Antarctic toothfish over the past year in areas of the Southern Ocean. Such activities were contrary to the provisions of the Convention of the Commission for the Conservation of Antarctic Marine Living Resources and put at risk the excellent management guidelines and practices developed by the Commission in recent years to ensure the wise and sustainable management of Antarctic marine life, including effective measures to reduce seabird by-catch, a particular problem in longlining, which is the method used for toothfish harvesting.

32. There was strong evidence that illegal fishing activities were damaging the vulnerable dependent and associated ecosystems of Antarctica and of the Southern Ocean around the continent and were having effects beyond the region covered by the Commission for the Conservation of Antarctic Marine Living Resources. New Zealand believed that the far-sighted ecosystem management provided in the Convention was the best means to ensure the sustainable use of

marine resources in the rich Southern Ocean, the world's last largely pristine ocean. It was therefore working with other Commission members to address the toothfish problem and was confident that the Convention itself would effectively meet the challenge. It also intended to work to develop effective responses at the regional level with States affected by the illegal fishing.

33. In its submission of 23 September 1997, Thailand reported that it had undertaken several activities in relation to the 1995 Fish Stocks Agreement, including conducting a seminar in July 1996 attended by more than 100 participants from the public and private sectors to analyse the provisions of the Agreement, translating the Agreement into the Thai language and disseminating it to the seminar's participants, reviewing whether the Fisheries Act B.E. 2490 (1947) was in conformity with the conservation and management measures of the Agreement and other relevant obligations, assessing the distribution of straddling and highly migratory fish stocks for the purpose of devising conservation and management measures and applying for membership to the Indian Ocean Tuna Commission. The Department of Fisheries was about to request the Government to consider Thailand's accession to the 1995 Fish Stocks Agreement.

III. INFORMATION PROVIDED BY INTERNATIONAL ORGANIZATIONS

A. Specialized agencies of the United Nations system

34. In its response dated 15 July 1997, FAO submitted a report stating that it had taken a number of initiatives both to publicize the importance of the 1995 Fish Stocks Agreement and to facilitate more concretely the Agreement's implementation. In particular, the Committee on Fisheries Subcommittee on Fish Trade, at its fifth session in Germany in 1996, endorsed the call for action to implement the 1995 Fish Stocks Agreement, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) and the Code of Conduct for Responsible Fisheries, contained in the Kyoto Declaration and Plan of Action, adopted at the International Conference on the Sustainable Contribution of Fisheries to Food Security (Kyoto, Japan, 4-9 December 1995).

35. In the Plan of Action adopted at the World Food Summit, convened by FAO (Rome, 13-17 November 1996), Governments made a commitment to promote the early ratification and implementation of the 1995 Fish Stocks Agreement and the Compliance Agreement and to implement the Code of Conduct. In the Plan of Action, Governments are urged in particular to implement sustainable fisheries management practices in line with the objectives of the Kyoto Declaration and Plan of Action and other international instruments. The Committee on Fisheries, at its twenty-second session (Rome, 17-20 March 1997), was reminded of the FAO reporting role on global fisheries matters, including reporting on the 1995 Fish Stocks Agreement. The Committee agreed that the 1995 Fish Stocks Agreement and the 1993 Compliance Agreement contained key elements pertaining to the sustainability of fisheries and recommended that countries ratify the Agreement as soon as possible.

36. The Coordinating Working Party on Fishery Statistics, at its seventeenth session (Australia, March 1997), reviewed a number of international initiatives concerning fisheries management. It was noted that of particular relevance to fisheries statistics were the 1995 Fish Stocks Agreement and the Code of Conduct, both of which should lead to greater incentives to collect reliable fishery data.

37. FAO also reported that at the request of the Organization of Eastern Caribbean States, it had undertaken a mission in the Caribbean subregion for the purpose of identifying legal and other needs concerning the implementation of the 1995 Fish Stocks Agreement and the FAO Compliance Agreement. The principal recommendation of the mission was that a subregional workshop should be held to consider the implementation of the Agreement at the national, regional and international levels, and that draft model legislation should be prepared for possible use by members of the Organization of Eastern Caribbean States.

38. In addition, FAO indicated that the 1995 Fish Stocks Agreement was being considered by all FAO regional fishery bodies for which straddling fish stocks and highly migratory fish stocks were of importance, in order to ensure that members of those bodies were fully conversant with the scope, objectives and importance of the Agreement in their respective areas.

B. Organs, organizations and programmes of the United Nations system

39. In its response of 15 May 1997, the United Nations Development Programme (UNDP) indicated that it had provided funding to FAO over a period of 15 years, which had facilitated the establishment of the Indian Ocean Tuna Commission in December 1996. UNDP had also helped FAO to initiate a decentralized training programme called Train-Fish for the implementation of the Code of Conduct for Responsible Fisheries, modelled on the successful Train-Sea-Coast programme of the Office of Legal Affairs Division for Ocean Affairs and the Law of the Sea.

40. In its submission dated 25 June 1997, the United Nations Environment Programme (UNEP) stated that as part of its effort to protect the marine and coastal environment, including the promotion of significant international and regional environmental agreements, it had assisted in the implementation of the 1995 Fish Stocks Agreement by addressing issues related to protection, conservation and management of living marine resources. In addition, a UNEP/World Wide Fund for Nature national resource management workshop was held (Geneva, June 1997) to discuss the role of trade policies in the fishing sector. The aim of the workshop was to clarify the role of fishing subsidies as a major contributor to the global fisheries crisis and to develop recommendations and strategies for policy options to ensure sustainable trade in fish.

41. In its report of 4 July 1997, the Economic Commission for Latin America and the Caribbean (ECLAC) indicated that consideration of the various implications of the 1995 Fish Stocks Agreement was part of its programmes of work for 1996-1997 and 1998-1999. ECLAC was currently preparing a study on the positions of different countries of the region vis-à-vis the Agreement and the degree to which its cooperation mechanisms were being adopted by regional and

subregional organizations in Latin America and the Caribbean. For the next biennium, it would consider analysing the status of the Agreement by 1998 and its efficiency in protecting the fishing interests of the region, taking into account its economic and environmental components.

42. ECLAC had prepared a study in which the Agreement was analysed in respect of its contribution to the conservation and sustainable use of coastal and marine biodiversity.

C. Regional and subregional fisheries organizations and arrangements

43. In its submission of 22 April 1997, the Latin American Fisheries Development Organization reported that a resolution adopted at the 11th regular meeting of its Conference of Ministers had reaffirmed the resolve of the Conference to participate actively in the effective implementation of the 1995 Fish Stocks Agreement. To that end, the resolution provided for the establishment of a regional consultation and coordination mechanism to help Latin American countries to implement sustainable fisheries development policies within the framework of the United Nations Convention on the Law of the Sea.

44. The Organization had conducted a study in which it analysed the 1995 Fish Stocks Agreement as well as suggestions on procedures and steps to be taken by Latin American countries to further their cooperation and to safeguard their rights and interests. Those suggestions included an invitation to each country to study the Agreement in the light of its national interests, a recommendation to apply provisionally the Agreement, a recommendation eventually to ratify or to accede to the Agreement and a proposal to convene preparatory meetings of Latin American and Caribbean coastal States to coordinate their positions on the following issues: the fish stocks to be covered by the Agreement, the areas to be managed and management criteria, including the relevance of geographical distribution and the compatibility of conservation and management measures, the role to be given to existing fisheries organizations or the need to establish new organizations, and assistance required from relevant international organizations in choosing management options.

45. In order to promote regional coordination in all aspects of fisheries activities, the Organization had formulated a project financed by the Inter-American Development Bank to assist countries of the region to implement the 1995 Fish Stocks Agreement, the FAO Compliance Agreement and the Code of Conduct for Responsible Fisheries, to provide support for the establishment of regional or subregional fisheries organizations or the strengthening of existing ones, to provide assistance in concluding fisheries agreements and in harmonizing legislation, to provide assistance in resource assessment, and to promote cooperation among States of the region in the conservation and management of fisheries resources.

46. In its response of 1 May 1997, the Inter-American Tropical Tuna Commission indicated that at an intergovernmental meeting held in conjunction with its 56th meeting in Panama, it had adopted two declarations relevant to the implementation of the 1995 Fish Stocks Agreement. In the first declaration,

member States expressed their intention to establish a legally binding instrument to formalize the Agreement for the protection of dolphins and to adopt conservation and management measures that would ensure the long-term stability of tuna stocks and other stocks of living marine resources in the eastern Pacific Ocean, on the basis of the best scientific evidence, including a precautionary methodology. In the second declaration, in order to strengthen the objectives and operations of the convention establishing the Commission, member States had stressed the need to initiate negotiations for the formulation of a new binding instrument that would, inter alia, be interpreted and applied in a manner consistent with the relevant provisions of the 1995 Fish Stocks Agreement.

47. On 16 June 1997, the Northwest Atlantic Fisheries Organization stated that the 1995 Fish Stocks Agreement had and would have implications for the Organization. As to the management of straddling fish stocks, it also indicated that it was the policy of the Organization to ensure, on the one hand, consistency between conservation and management measures adopted in the regulatory area and those established by the coastal State in areas under its national jurisdiction and, on the other hand, to provide monitoring, control, surveillance and enforcement, including the reporting and recording of catches, by-catches and discards; inspection; a hail system; an observer scheme; and satellite tracking to ensure compliance with conservation and management measures.

48. The Permanent South Pacific Commission established by Chile, Colombia, Ecuador and Peru, had created a special working group on fisheries evaluation and management for the region, with a specific component on straddling and highly migratory fish stocks. The working group had held its first meeting in May 1997.

49. The South Pacific Forum Fisheries Agency reported that, in relation to steps taken to implement the 1995 Fish Stocks Agreement, the Second Multilateral High-Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific (Majuro, 10-13 June 1997) had focused on measures to implement the Agreement. The Majuro Declaration, which was adopted at the Conference, contained a commitment to establish a mechanism for the conservation and management of highly migratory fish stocks of the region in accordance with the United Nations Convention on the Law of the Sea and the 1995 Fish Stocks Agreement. Other high-level conferences were scheduled for 1998 and 1999 to finalize the mechanism to be established.

50. The Asia-Pacific Fishery Commission reported that it had taken action to inform its members about the adoption of the 1995 Fish Stocks Agreement and to highlight the implications of the Agreement for the area covered by the Commission. In addition to providing technical assistance to the Government of Thailand in translating the Agreement into the Thai language, it had worked with Thai officials to organize a national seminar on straddling fish stocks and highly migratory fish stocks in July 1996, attended by Government officials, representatives from the private sector and universities.

51. The General Fisheries Council for the Mediterranean indicated that it had taken action to bring to the attention of its members the importance of the 1995

Fish Stocks Agreement. The Agreement was considered at the Technical Consultation on Stock Assessment in the Western Mediterranean (Morocco, October 1996) and at the Technical Consultation on Stock Assessment in the Central and Eastern Mediterranean (Cyprus, December 1996).

52. The South Pacific Commission reported that the collection of catch and effort data from domestic tuna fleets in the region had long been identified as a major problem, which had been aggravated by the expansion of domestic fleets in recent years. States with domestic fleets in which the coverage of catch and effort data collected was poor included Fiji, with 35 long-liners and 8 pole-and-line vessels, Kiribati, with 2 pole-and-line vessels and 1 purse-seiner, Marshall Islands, with 4 long-liners, New Caledonia, with 8 long-liners, Papua New Guinea, with 11 long-liners and 4 purse-seiners, Tonga, with 9 long-liners and Vanuatu, with 2 long-liners and 2 purse-seiners. Distant-water tuna fleets operating in the South Pacific Commission area for which the coverage of catch and effort data collected was poor included vessels from China (435 long-liners) and the Philippines (13 purse-seiners). The Commission further indicated that no steps had been taken recently by the States listed above to improve the collection of catch and effort data concerning their fleets, as required in the 1995 Fish Stocks Agreement.

53. The North Atlantic Salmon Conservation Organization advised the Secretary-General that in 1996, its Council had welcomed the 1995 Fish Stocks Agreement and had recognized that although it did not apply to salmon, the Agreement contained provisions that could contribute to the international conservation and management of North Atlantic salmon.

54. The North-East Atlantic Fisheries Commission indicated that it had recently adopted recommendations on management measures for two straddling stocks, namely, oceanic redfish and Norwegian spring spawning herring, which were compatible with the 1995 Fish Stocks Agreement. The Commission also pointed out that there was no incompatibility between the North-East Atlantic Fisheries Commission Convention and the 1995 Fish Stocks Agreement. However, the Convention was now 16 years old, and, with that in mind, a working group was established to study the future of the Commission. During its discussions, reference was made to the United Nations Convention on the Law of the Sea, the 1995 Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries. Another working group of the Commission was established to study fisheries control and enforcement issues.

55. The International Commission for the Conservation of Atlantic Tunas indicated that it had included the 1995 Fish Stocks Agreement on the agenda of its 1996 meeting and the matter had been considered at length. The Commission felt that the Agreement would have a considerable impact on many aspects of its activities. However, some contracting parties considered that it was premature to delve into the matter further at that time since they had not yet ratified the Agreement. Although the Commission then decided to postpone discussions on the subject and to include it on the agenda of its 1997 meeting, it adopted many recommendations on the conservation of tuna and tuna-like species, including high-seas species, that were consistent with the provisions of the 1995 Fish Stocks Agreement.

56. The International Baltic Sea Fishery Commission reported that its decisions in recent years had been in line with the 1995 Fish Stocks Agreement.

57. In its submission dated 18 August 1997, the Commission for the Conservation of Southern Bluefin Tuna welcomed the adoption of the 1995 Fish Stocks Agreement and would take into account relevant international obligations.

58. The Commission for the Conservation of Southern Bluefin Tuna was established under the Convention for the Conservation of Southern Bluefin Tuna, which entered into force on 20 May 1994 following ratification by Australia, Japan and New Zealand. The Convention had established a scientific committee to assess and analyse the status and trends of the population of southern bluefin tuna, coordinate research and studies, report to the Commission its findings or conclusions and make recommendations, as appropriate, on matters concerning the conservation, management and optimum utiliration of southern bluefin tuna.

59. To achieve the objectives of the Convention, which were to ensure, through appropriate management, the conservation and optimum utilization of southern bluefin tuna, the Commission decided upon the total allowable catch of southern bluefin tuna and its allocation among parties, or other appropriate measures on the basis of the report and recommendations of the scientific committee. For the 1996/97 fishing year, the Commission agreed that the total allowable catch of southern bluefin tuna for participating parties would remain at the levels in effect the previous year, which was 11,750 tons, with national allocations of 6,065 tons to Japan, 5,265 tons to Australia and 420 tons to New Zealand. While it was acknowledged that the stock of southern bluefin tuna was currently at a level requiring rebuilding, recent assessments suggested that existing management actions had averted further stock decline. The Commission would continue to refine the scientific assessments of the stock, and management strategies would be reviewed in the light of those assessments to ensure that its objective was achieved.

60. The Commission added that the Convention recognized that southern bluefin tuna was a highly migratory species that migrated through the exclusive economic or fishery zones of several countries and the high seas and was caught in fishing operations undertaken by nationals from a number of countries and entities. The preamble to the Convention recognized the obligations of parties to pay due regard to their rights and obligations under relevant principles of international law. The Commission invited other States whose vessels were engaged in fishing for southern bluefin tuna, or any other coastal State through whose exclusive economic or fishery zone southern bluefin tuna migrated, to accede to the Convention. Entities were also encouraged to cooperate in the management of the southern bluefin tuna stock by applying the Commission's conservation and management measures.

D. Other intergovernmental organizations

61. On 16 May 1997, the Commonwealth Secretariat reported that it had recently provided technical assistance to the Government of Namibia regarding the potential for and limitations on the establishment of a regional organization for straddling and highly migratory fish stocks. A report issued subsequently

by the Commonwealth Secretariat covered such issues as straddling and highly migratory fish stock management in the south-eastern Atlantic and international and regional fisheries management organizations that dealt with such fish stocks. The report also recommended the establishment of a south-east Atlantic fisheries regional organization and made suggestions regarding the operation of such an organization. The report would be used for consultations among the Governments of Namibia, South Africa, Angola and the United Kingdom of Great Britain and Northern Ireland Territory of St. Helena, including Ascension Island and the Tristan da Cunha island group.

62. In its letter of 7 July 1997, the International Council for the Exploration of the Sea reported that it had provided advice to the North-East Atlantic Fisheries Commission for the management of straddling stocks of oceanic redfish, blue whiting and Norwegian spring-spawning herring. With respect to the management of those stocks, the Council recommended that catches of oceanic redfish should not be allowed to increase over 1993-1996 levels because of inadequate knowledge of the distribution and productivity of the stocks; the present harvest control rule for Norwegian spring-spawning herring should not be exceeded, bearing in mind the possibility of a reduction of fishing to very low levels in the event that the stock biomass declined towards minimum biologically acceptable levels; and a multi-year fixed constant catch of blue whiting be allowed, although more research would be required before the long-term consequences of such a strategy could be evaluated.

63. In its submission dated 22 July 1997, the European Union (EU) reported that it and all its member States had signed the 1995 Fish Stocks Agreement by the deadline of 4 December 1996, and that the possibility of its Council taking a decision on the ratification of the Agreement by EU was currently being discussed. Moreover, EU indicated that it had taken several initiatives consistent with the Agreement concerning the establishment or the improvement of control schemes within some regional fisheries organizations, such as the North-East Atlantic Fisheries Commission.

IV. INFORMATION PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

64. In its submission dated 25 June 1997, the World Wide Fund for Nature stated that the review of the 1995 Fish Stocks Agreement offered a critical tool to encourage accession to the Agreement and an opportunity to consider specific problem areas and propose solutions. The Fund also indicated that it considered it regrettable that the first review by the General Assembly at its fifty-first session did not address serious obstacles to an effective implementation of the Agreement, such as the apparent unwillingness of the major fishing nations to accede to it. It stressed that the slow pace of accession to the Agreement should be the main concern of the General Assembly at its fifty-second session, along with the failure by Governments and regional fisheries bodies to begin implementing the Agreement provisionally. It further indicated that the International Commission for the Conservation of Atlantic Tunas had rejected last year as premature a proposal to begin consideration of steps to implement the provisions of the Agreement in addition to its refusal of transparency, as required in article 12 of the Agreement.

65. The World Wide Fund for Nature added that the best illustration that the 1995 Fish Stocks Agreement had had little impact on high seas conservation was the current overfishing and poaching of Patagonian toadfish in the Southern Ocean. The lack of provisional application and the slow pace of accession had now become so critical that the viability of the Agreement itself was threatened. The Fund believed therefore that the General Assembly should establish a practical mechanism for overseeing regional and subregional fisheries management organizations and their implementation of the Agreement. It therefore suggested that the Assembly request that discussions of the 1995 Fish Stocks Agreement be included on the agenda of the meetings of States parties to the United Nations Convention on the Law of the Sea, and that it adopt an implementing resolution focusing on the need for timely accession to the Agreement, its provisional application and actions to safeguard, in particular, straddling or highly migratory fish stocks of concern, such as sharks.

66. In its reply of 30 June 1997, the National Resources Defense Council, on behalf of the National Audubon Society and the Ocean Wildlife Campaign, indicated that the contribution of the 1995 Fish Stocks Agreement to marine fisheries conservation, protection of non-target species and regional fishing management operations enhancement had been hampered by the non-entry into force of the Agreement and the lack of implementation of its provisions. It therefore suggested that the General Assembly call upon States and other entities to ratify or accede to the Agreement as a matter of urgent priority, and urged States and other entities to implement promptly various conservation measures contained therein. In addition, it requested that regional fishery organizations, such as the International Commission for the Conservation of Atlantic Tunas and the Northwest Atlantic Fisheries Organization, pursuant to article 12 of the Agreement relating to transparency, cease their practice of excluding non-governmental organizations from their meetings through the use of "unduly restrictive" requirements.

67. In its response of 30 June 1997, the World Conservation Union indicated that it believed that the United Nations Convention on the Law of the Sea and its subsidiary agreements provided the overall framework for developing a sustainable future for the oceans and their resources, and that in relation to fisheries issues it considered the 1995 Fish Stocks Agreement to be a key development in the potential to manage international living marine resources. It was therefore looking for ways to work with the United Nations system and the regional fisheries management organizations that were mandated to implement the Agreement, in particular by providing assistance to those bodies and in developing processes whereby a broader range of stakeholders might contribute to the regional implementation of the Agreement. Some key issues regarding straddling and migratory fish stocks that it considered to be particularly important included overcapacity, subsidies, by-catch and trade. The Union believed that increased collaboration with the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat was essential to the process and issues outlined above and welcomed the opportunity to develop a closer working relationship with it.

68. In its submission dated 29 July 1997, Greenpeace indicated that it was concerned by the slow pace of ratification of the 1995 Fish Stocks Agreement.

It noted that populations of numerous straddling and highly migratory fish stocks continued to plummet as a result of overfishing and misguided management policies, whereas they could have benefited from many of the more progressive conservation and management measures mandated in the Agreement.

69. Greenpeace reported that the southern bluefin tuna population in the southern Indian Ocean, Tasman Sea and South Pacific waters around Australia and New Zealand faced a severe challenge to its survival after several decades of overfishing by vessels from several countries. The situation, according to Greenpeace, epitomized the shortcomings in the management of highly migratory species today, including the current management of the southern bluefin tuna by the Commission for the Conservation of Southern Bluefin Tuna, which was prepared to endanger marine biological diversity for the sake of continued fishing profits in the short term. The southern bluefin tuna population had been reduced by overfishing to less than 5 per cent, and perhaps as low as 2 per cent, of the level that existed before heavy fishing for the species began. It was forecast that if current fishing levels continued, the species had only about a 15 per cent chance of recovering within the next quarter of a century. According to Greenpeace, the World Conservation Union had proposed listing the southern bluefin tuna as a critically endangered species on its 'red list' of endangered species.

70. Greenpeace indicated that since the States concerned seemed to run fisheries as if the survival of the species were of secondary importance, it had decided to campaign vigorously in Australia and New Zealand, as well as internationally, for the suspension of southern bluefin fishing until the population had recovered to biologically safe levels throughout its historical range and until successful measures for avoiding the incidental capture of seabirds and reducing the by-catch of other ecologically related species had been proven and implemented.

71. Greenpeace therefore suggested that in view of the fact that most regional fisheries management organizations lacked transparency, it might be useful to establish, under the auspices of the General Assembly, an international authority to oversee the fisheries management of those regional organizations.

Annex

STATUS OF THE AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER 1982 RELATING TO THE CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS
(AS AT 15 OCTOBER 1997)

States and one entity that have signed the Agreement (59): Argentina, Australia, Austria, Bangladesh, Belgium, Belize, Brazil, Burkina Faso, Canada, China, Côte d'Ivoire, Denmark, Egypt, Fiji, Finland, France, Gabon, Germany, Greece, Guinea-Bissau, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Maldives, Marshall Islands, Mauritania, Micronesia (Federated States of), Morocco, Namibia, Netherlands, New Zealand, Niue, Norway, Pakistan, Papua New Guinea, Philippines, Portugal, Republic of Korea, Russian Federation, Saint Lucia, Samoa, Senegal, Seychelles, Spain, Sri Lanka, Sweden, Tonga, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Vanuatu; European Union

States that have ratified or acceded to the Agreement (15): Bahamas, Fiji, Iceland, Mauritius, Micronesia (Federated States of), Nauru, Norway, Russian Federation, Saint Lucia, Samoa, Senegal, Solomon Islands, Sri Lanka, Tonga and United States of America.

States that have agreed to a provisional application of the Agreement: 0

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/52/556
S/1997/834
31 October 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-second session
Agenda item 61
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 28 October 1997 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the extract on the question of Cyprus from the final communiqué of the Commonwealth Heads of Government Meeting, which took place in Edinburgh, United Kingdom of Great Britain and Northern Ireland, from 24 to 27 October 1997.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador
Permanent Representative

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ANNEX

Extract on the question of Cyprus from the final communiqué of the Commonwealth Heads of Government Meeting held in Edinburgh, from 24 to 27 October 1997

23. Heads of Government reaffirmed their support for the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus. They called for the implementation of United Nations resolutions on Cyprus, in particular Security Council resolutions 365 (1974), 550 (1984) and 839 (1993). They regretted that negotiations on a solution have been at an impasse for too long and strongly supported the process of direct intercommunal talks under the United Nations Secretary-General's mission of good offices. They expressed concern about recent threats of use of force and integration of the occupied territory by Turkey and reiterated support for the demilitarization proposal of President Clerides. They called for the withdrawal of all Turkish forces and settlers, the return of the refugees to their homes, the restoration of and respect for human rights of all Cypriots and the accounting of all missing persons. They expressed concern and disappointment that progress had been impeded by the efforts of the Turkish Cypriot side to introduce preconditions to the talks and called for a cooperative attitude from all sides for the achievement of a comprehensive, just and workable settlement on the basis of a bi-communal and bi-zonal federation. While noting the existence of the Commonwealth Action Group on Cyprus, they welcomed the initiative of the Commonwealth Secretary-General to nominate an observer at the United Nations-sponsored negotiations. They recognized that the United Kingdom of Great Britain and Northern Ireland, as a permanent member of the Security Council and as a guarantor Power, has a special position in this matter.

United Nations A/52/557

General Assembly

Distr.: General
31 October 1997

Original: English

Fifty-second session
Agenda item 39 (c)

Oceans and the law of the sea: Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and fisheries by-catch and discards

Report of the Secretary-General

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I. Introduction

1. The General Assembly, at its fifty-first session, in resolution 51/36 of 9 December 1996, took note of the report of the Secretary-General on large-scale pelagic drift-net fi ng and its impact on the living marine resources of the world's oceans and seas, unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources (A/51/404).

2. In the sam resolution, the General Assembly, while acknowledging with appreciation the measures taken and the progress made by members of the international community, international organizations and regional economic integration organizations to implement and support the objectives of Assembly resolution 46/215 and recognizing their efforts to reduce by-catch and discards in fishing operations, expressed deep concern at the continuing reports of activities inconsistent with the terms of resolution 46/215 and unauthorized fishing inconsistent with the terms of resolution 49/116. It also expressed deep concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction, where the overwhelming proportion of the global fish catch was harvested, on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States.

3. In the light of these developments, the General Assembly reaffirmed the importance it attached to compliance with resolution 46/215, in particular to its provisions calling for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas.

4. On the other hand, the General Assembly noted that a growing number of States and other entities as well as relevant regional and subregional fisheries management organizations and arrangements had adopted legislation, established regulations or applied other measures to ensure compliance with resolutions 46/215 and 49/116, and urged them to enforce fully such measures; and urged all States that had not done so to take greater enforcement responsibility to ensure full compliance with resolution 46/215 and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that resolution.

5. Furthermore, the General Assembly called upon States to take the responsibility, consistent with their obligations under international law as reflected in the United Nations Convention on the Law of the Sea and resolution 49/116, to take measures to ensure that no fishing vessels entitled to fly their national flags fish in areas under the jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned and carried out in accordance with the conditions set out in the authorization; urged States, relevant international organizations, regional and subregional fisheries management organizations and arrangements to take action to adopt policies, apply measures, including through assistance to developing countries, collect and exchange data and develop techniques to reduce by-catches, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries; and reiterated its call on development assistance organizations to make it a high priority to support, including through financial and/or technical assistance, efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for that purpose.

6. In addition, the General Assembly requested the Secretary-General to bring the resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations, and relevant non-governmental organizations, inviting them to provide the Secretary-General with information relevant to the implementation of the resolution. The Assembly also requested the Secretary-General to submit to it at its fifty-second session and biennially thereafter a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118, taking into account the information thus provided.

7. Accordingly, the Secretary-General sent a note verbale to all members of the international community, drawing their attention to the relevant provisions of resolution 51/36. Letters were also addressed to relevant intergovernmental organizations, specialized agencies, organizations and bodies of the United Nations system, as well as regional and subregional fisheries management organizations and arrangements, and relevant non-governmental organizations. A number of submissions and comments were received by the Secretary-General, who wishes to express his appreciation for all the contributions.

8. The present report, which takes into account such contributions, is submitted to the General Assembly in response to the request contained in resolution 51/36.

II. Large-scale pelagic drift-net fishing

A. General

1. Information provided by States

9. In its reply of 12 June 1997 to the Secretary-General, Barbados stated that prohibition of large-scale pelagic drift-net fishing was embodied in draft domestic fisheries management legislation that was being prepared by the relevant authorities.

10. In its response of 13 June 1997 to the Secretary-General, Mauritius indicated it did not allow pelagic drift-net fishing in its waters in accordance with the Drift-Net Act of 1992. It added that the same legislation banned the landing or transshipment of fish caught by drift-nets in Mauritius.

11. In its submission dated 27 June 1997, Latvia informed the Secretary-General that all the fishing vessels flying the Latvian flag were required to observe all orders and regulations and therefore none of them used any type of pelagic drift-nets for high seas fishing.

12. In its response of 30 June 1997 to the Secretary-General, Maldives indicated that it opposed any form of large-scale drift-net fishing on the high seas, and consequently drift-net fishing in any form would not be used in waters under its jurisdiction.

13. In its reply to the Secretary-General dated 2 July 1997, Pakistan reported that it fully supported the global moratorium on large-scale pelagic drift-net fishing on the high seas. Pakistan also indicated that it did not allow large-scale pelagic drift-net fishing vessels in its exclusive economic zone nor did it give fishing licences to such vessels to operate in its waters.

14. In its response of 10 July 1997 to the Secretary-General, the Republic of Korea indicated that its National Fisheries Administration had introduced on 23 March 1992 regulations to achieve the target reduction of 50 per cent in fishing effort in large-scale pelagic high seas drift-net fisheries in compliance with resolution 46/215.

15. In its submission to the Secretary-General dated 23 July 1997, Norway reported that a Norwegian ban was in place with respect to large-scale drift-net fishery on the high seas.

16. In its submission of 29 July 1997 to the Secretary-General, the United States of America provided the following report:

"As a principal co-sponsor of United Nations General Assembly resolution 46/215 (1991), as well as resolutions 44/225 (1989), 45/197 (1990), 50/25 (1995) and 51/36 (1996), and supporter of decisions 47/443 (1992), 48/445 (1993) and 49/436 (1994), the United States believes that it was appropriate that the General Assembly, in recognition of the unacceptable impacts of large-scale pelagic drift-net fishing on the high seas, called upon all members of the international community to ensure that a global moratorium on all large-scale pelagic drift-net fishing on the high seas be fully implemented by 31 December 1992.

"The United States continues to attach great importance to compliance with resolution 46/215, and has taken measures individually and collectively with other nations to prevent large-scale pelagic drift-net fishing on the high seas. The United States has called upon all members of the international community to implement and comply with the resolution. In addition, the United States has urged all members of the international community, intergovernmental organizations, non-governmental organizations, and scientific institutions with expertise in living marine resources to report to the Secretary-General any activity or conduct inconsistent with the terms of resolution 46/215.

"*Domestic drift-net legislation*

"Since 1990, it has been unlawful under the Magnuson-Stevens Fishery Conservation and Management Act (the Magnuson-Stevens Act) for any United States national or fishing vessel to engage in large-scale drift-net fishing in any area under the fisheries jurisdiction of the United States or beyond the exclusive economic zone of any nation.

"The Drift-Net Act Amendments of 1990 (Public Law 101-627), and more recently the High Seas Drift-Net Fisheries Enforcement Act (Public Law 102-582), enacted in November 1992, made it the policy of the United States to, among other things, implement resolution 46/215, and secure a permanent ban on the use of destructive fishing practices, in particular large-scale drift-nets, by persons or vessels fishing beyond the exclusive economic zone of any nation. Additionally, the High Seas Drift-Net Fisheries Enforcement Act provides for the denial of port privileges for any large-scale drift-net fishing vessel

and for a prohibition on the importation of certain products from any nation whose nationals or vessels conduct large-scale drift-net fishing beyond the exclusive economic zone of any nation.

"The High Seas Drift-Net Fishing Moratorium Protection Act (Public Law 104-43), which was enacted in November 1995, prohibits the United States, or any agency or official acting on behalf of the United States, from entering into any international agreement with respect to the conservation and management of living marine resources or the use of high seas by fishing vessels that would prevent full implementation of resolution 46/215. This Act also specifies that the President of the United States shall utilize appropriate assets of the Department of Defense, the United States Coast Guard, and other Federal Agencies to detect, monitor, and prevent violations of the United Nations large-scale high seas drift-net moratorium for all fisheries under the jurisdiction of the United States, and in the case of fisheries not under United States jurisdiction, to the fullest extent permitted under international law."

17. In its submission dated 13 August 1997, Italy informed the Secretary-General that the Italian Ministry of Agricultural, Food and Forest Resources had reiterated, in circular 60707 of 16 April 1996, a previous ban on keeping or effecting fishing activities with drift-nets that were more than 2,500 metres long. In 1996, control and verification by governmental organs had been intensive: 486 vessels had been inspected, both at sea and at land; 93 had been found to be unlawful and penalties had been issued. In the same period, 133,360 metres of illegal nets had been seized.

18. Italy also reported that it had approved on 23 April 1997 a plan to rationalize and convert the fishing sector through a plan funded by the European Union. The plan provided for (a) the gradual withdrawal between 1997-1999 of all drift-net fishing licences and drift-net gear; and (b) the possibility for fishing licence holders to choose in 1997 between abandoning fishing activities or to change to other types of fishing technique, consistent with environmental needs and following a non-subsidized approach. Fishing licence holders who participated voluntarily in the conversion programme would receive a premium for suspending drift-net fishing. Those who did not, would not have access to the programme benefits, and in cases where they violated the drift-net fishing ban, would be subject to sanctions and penalties. The programme would be completed by the beginning of the 1999 fishing season and would cost at least 200 billion lire during the first phase of its implementation.

19. Italy further indicated that the programme testified to the Government's awareness of the concerns of international public opinion regarding drift-net fishing and its environmental impact, and to the economic and social consequences of the banning of drift-net fishing on the fishermen involved. It added that drift-net fishing was located almost exclusively in the southern part of the country, where the already high unemployment rate made such fishermen's chances of being absorbed in the labour market even more remote.

20. In its submission to the Secretary-General dated 22 August 1997, Oman reported that it had continued to call for greater regulation of fishing and encouraged fishing practices that ensured the sustainability of fishery resources. Accordingly, the use within the exclusive economic zone of drift-nets more than one kilometre long had been prohibited. The Omani Ministry of Agriculture and Fisheries has been engaged in a continuing effort to prevent the use of drift-nets of any kind in order to safeguard fishing resources and maintain the quality of fish products. Oman has consistently supported the global moratorium on the use of large-scale pelagic drift-nets on the high seas, and has publicly advocated that position in many international forums.

21. In its reply to the Secretary-General dated 12 September 1997, the Bahamas indicated it had not engaged in any drift-net fishing activities on the high seas.

22. In its reply of 23 September 1997, Thailand informed the Secretary-General that it had not yet engaged in high seas fishing and had never used large-scale pelagic drift-net fishing on the high seas. It also indicated that while its Department of Fisheries had discontinued the project of experimenting and promoting gill-net fisheries on the high seas, it had, however, carried out surveys and experiments of fishing in the exclusive economic zone using gill-nets less than 2.5 kilometres, with a view to establishing appropriate measures for gill-net fisheries in areas under national jurisdiction.

2. Information provided by international organizations

(a) Specialized agencies of the United Nations system

23. In its reply to the Secretary-General dated 9 July 1997, the Food and Agriculture Organization of the United Nations (FAO) submitted the following report:

"FAO members do not report specifically to the organization whether their nationals are engaged directly in large-scale pelagic drift-net fishing.

Although information is sought, by means of questionnaires, on the composition of members' fishing fleets, there is a low response rate.

"In accordance with General Assembly resolution 44/225 and subsequent resolutions, FAO has reported annually on global information available to the Organization on the use of large-scale pelagic drift-nets ...

"In May 1997 the Italian General-Directorate of Fisheries advised that agreement had been reached with the Italian swordfish industry to retrench drift-net vessels in line with a compensation plan agreed by the Government. Drift-net vessels are being decommissioned and/or converted to other gear types including longlining. The plan is to be financed on a 50/50 cost-sharing basis between the Government of Italy and the European Community at a total cost of about US$ 235 million. It will cover the retrenchment of 676 drift-net vessels and will be implemented over a three-year period. By 2000 it is expected that there will be no Italian-flag vessels operating with large-scale pelagic drift-net gear and vessels will conform with General Assembly resolution 46/215 and European Community Council regulation 345/92 ..."

(b) Organs, organizations and programmes of the United Nations

24. In its response of 25 June 1997 to the Secretary-General, the United Nations Environment Programme (UNEP) indicated that it was promoting cessation of the use of drift-nets through the Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals (GPA/MM), which was aimed at addressing the incidental catch of marine mammals.

(c) Other intergovernmental organizations

25. In its report to the Secretary-General dated 22 July 1997, the European Community indicated that in October 1991, the Fisheries Council had adopted a number of provisions regarding the use of drift-nets, including one that provided that fishing vessels were not allowed to use one or more drift-nets which individually or in total exceeded 2.5 kilometres. The drift-net provisions applied in all maritime waters under Community jurisdiction (with the exception of the Baltic Sea, the Belts and the Sound), and to all Community vessels operating outside of Community waters. The provisions came into effect on 1 June 1992.

26. The European Community also indicated that a proposal had been submitted to its Council aimed at prohibiting all fishing with drift-nets as from 1 January 1998. The proposal was still under discussion in the Council, which adopted in April 1997 a specific measure to encourage Italian fishermen to diversify out of certain fishing activities which included the use of drift-nets for large-scale pelagic fish.

B. Review by region

1. Atlantic Ocean

(a) Information provided by States

27. No States have reported any large-scale pelagic drift-net fishing on the high seas in the Atlantic Ocean.

(b) Information provided by regional and subregional fisheries organizations and arrangements

28. The International Commission for the Conservation of Atlantic Tunas (ICCAT) reported on 3 February 1997 that the Commission had adopted at its tenth Special Meeting (San Sebastián, Spain, 22-29 November 1996) a resolution concerning large-scale pelagic drift-net fishing that, *inter alia*, appealed to all Contracting Parties to: (a) comply with resolution 46/215; (b) provide all the necessary data on this kind of fisheries in order that scientists could study the effects of using drift-net gear; and (c) impose adequate sanctions on their nationals and on their fishing vessels that acted contrary to the terms of the resolution.

29. In its response to the Secretary-General dated 15 August 1997, the North Atlantic Salmon Conservation Organization (NASCO) stated that it was not aware of any activities within the area of the Convention for the Conservation of Salmon in the North Atlantic Ocean which would be inconsistent with resolution 46/215.

30. The Northwest Atlantic Fisheries Organization (NAFO) reported that there had not been any fishing with large-scale pelagic drift-nets in the past year in the area of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

31. The Northeast Atlantic Fisheries Commission (NEAFC) indicated that there had been no use of large-scale pelagic drift-nets on the high seas in the area of the Convention on Future Multilateral Cooperation in Northeast Atlantic Fisheries.

32. The Western Central Atlantic Fishery Commission (WECAFC) indicated that there had been no reports of

fishing with large-scale pelagic drift-nets in the Commission's area during 1996-1997.

(c) Information provided by non-governmental organizations

33. No activities involving large-scale pelagic drift-net fishing in the high seas areas of the Atlantic Ocean have been reported by non-governmental organizations during the reporting period.

2. Baltic Sea

(a) Information provided by regional and subregional fisheries organizations and arrangements

34. The International Baltic Sea Fishery Commission (IBSFC) reported that the Baltic Sea had no high seas area and therefore, it was not formally subject to General Assembly resolution 46/215.

3. Mediterranean Sea

(a) Information provided by States

35. In a communication to the Secretary-General dated 3 January 1997, Turkey stated that Turkish fishermen did not use drift-nets in international or territorial waters since drift-net fishing was prohibited by Turkish authorities. It also pointed out that Turkey did not approve the practice of reflagging vessels and using them for drift-net fishing. Consequently, Turkey supported the measures taken to ban drift-net fishing in the Mediterranean.

36. The United States informed the Secretary-General that, as referred to in its 1996 report to the Secretary-General (see A/51/404, para. 33), it had held consultations with the Government of Italy and the European Union concerning reports of large-scale drift-net activity in the Mediterranean Sea by Italian nationals and vessels. As a result of those consultations, an agreement was reached in July 1996 under which Italy had committed itself to take a variety of measures to end large-scale, high seas drift-net fishing by its nationals. Central to those measures was a fishing vessel conversion programme, to be funded jointly by Italy and the European Union, which would allow Italian drift-net fishing vessels to be retired or converted to other fishing techniques, and vessel owners and fishermen to be compensated financially for withdrawing from drift-net fishing. Italy had also committed itself to strengthen drift-net enforcement efforts by local maritime authorities.

37. The United States added that Italy's drift-net vessel conversion programme went into effect on 11 June 1997 and Italian authorities had sent formal notifications of the programme to Italian fishermen's associations on 26 June 1997, along with an explanation of the key sections of the programme, application forms, and a compensation schedule. The United States was hopeful that, with the commencement of the conversion programme for Italian drift-net fishermen and vessel owners, it would succeed in ending Italian large-scale drift-net fishing operations in the Mediterranean.

38. In its submission to the Secretary-General dated 16 September 1997, New Zealand reported that it had continued to have in place legislation concerning drift-net fishing (the Drift-Net Prohibition Act 1991) and also indicated that there had been no incident involving drift-net fishing within the New Zealand exclusive economic zone.

(b) Information provided by regional and subregional fisheries organizations and arrangements

39. The General Fisheries Council for the Mediterranean (GFCM) reported that one complaint concerning the use of large-scale pelagic drift-nets in the Council area had been received from the Government of Malta in the review period.

(c) Information provided by non-governmental organizations

40. In its submission to the Secretary-General dated 3 September 1997, the Humane Society International provided the following information:

> "In July 1996, Italy signed an agreement with the United States Government to end all illegal drift-netting and offered] a voluntary phase-out programme of legal drift-netting (2.5 km and below) for its fishers. The Italian Government undertook this agreement in order to avoid sanctions under the United States High Seas Drift-Net Fisheries Enforcement Act of 1992. Non-governmental groups won a case in the United States Court of International Trade in February 1996 compelling the United States State and Commerce Departments to begin steps toward sanctions against Italy for illegal drift-netting.
>
> "While more than a year has passed since the agreement went into effect, no part of it has been implemented and Italian illegal drift-netting is still occurring. In April 1997, Spanish authorities arrested and fined two Italian vessels in the Balearics for using illegal nets in Spanish waters. In May 1997, two sperm

whales were found entangled in net fragments in the lower Tyrrhenian Sea. In August 1997, European Conservation Italy in conjunction with Humane Society International conducted a sea and port survey near the north Sicilian coast where drift-nets are commonly used.

"The survey was conducted during rough sea conditions that were not favourable for deploying drift-nets (and it was also the end of the fishing season), nevertheless, oversized nets were in evidence.

"For example, in Milazzo on July 25, 1997 at 6 p.m., one vessel had nets close to 8 km in length. In the port of S. Agata di Millitello on July 25, 1997 at 7.15 p.m., 18 drift-net vessels were found. Of these, 10 had nets of 8 km or longer and five had nets up to 6 km. The completion of that survey was not possible because of the presence of fishers. The vessels were in the harbour due to inclement sea conditions.

"In the port of Porticello, Italy's largest drift-net harbour, at 2 p.m. on July 26, 1997 no less than 80 drift-net vessels were found, some with nets clearly exceeding 10 km in length.

"In the Cefalù harbour, on July 26-27, 1997 there were eight drift-net vessels all with nets exceeding 2.5 km in length and one with 8-10 km nets on board. On July 26, 1997 at 11.15 a.m., port authorities were seen ignoring the illegal nets.

"Enforcement is inconsistent. The Italian Government to date has also failed to gain passage in its legislature of greater penalties for infractions, another provision of the United States-Italian agreement.

"Italian fishers recently requested the Government to permit them to carry on board an extra 2.5 km net in case of an accident. This would increase the likelihood of two nets (of a total of 5 km in length) being deployed at once, a violation of European Union (EU) law.

"The State Department confirmed in August 1997 that the Italian Government has been unable to implement the first phase of a three-year conversion program. The agreement stated that those fishers who did not participate in the first phase of the program would not be eligible to receive funds in the second and third years.

"The State Department also confirmed that private funds have been provided for the Italian Government to undertake a scientific drift-netting program using oversized nets. After receiving warnings from the State Department about the unacceptability of pursuing such a programme, Italy terminated plans for this project.

"Such an activity would have been another indication of Italy's failure to adhere to the United Nations General Assembly's mandate to end all high seas drift-netting and its lack of compliance with EU regulation 3094/86 limiting each EU vessel to one net of 2.5 km in length affixed to the vessel."

4. Indian Ocean and Asia-Pacific region

(a) Information provided by regional and subregional fisheries organizations and arrangements

41. The Indo-Pacific Tuna Programme (IPTP) indicated that it had not received any report of large-scale pelagic drift-net fishing in the 1996-1997 period.

5. Pacific Ocean

(a) Information provided by States

42. In its reply of 13 June 1997 to the Secretary-General, Kiribati stated that it had ratified on 10 January 1992 the Wellington Convention that prohibited long drift-net fishing in the South Pacific.

43. In its response of 1 July 1997 to the Secretary-General, Fiji indicated that it had ratified on 18 January 1994 the Wellington Convention that prohibited long drift-nets in the South Pacific.

44. The Republic of Korea reported that beginning 1 January 1993 it had established a complete ban on squid drift-net fishing in the Northern Pacific and had therefore ensured full compliance with the global moratorium required in resolution 46/215.

45. The United States informed the Secretary-General that in 1996, in order to monitor compliance with the drift-net moratorium, the United States Coast Guard and the National Marine Fisheries Service had continued to carry out surveillance activities in North Pacific areas that in the past had been routinely fished by drift-net vessels. Coast Guard vessels patrolled sectors of the North Pacific Ocean, or were in position to respond to reported drift-net activity for a total of 113 days, while Coast Guard aircraft flew 181 surveillance hours.

46. The United States also indicated that in July 1996 it had cooperated with authorities of Taiwan Province of China

when a Coast Guard cutter observed a Taiwanese flag fishing vessel conducting high seas drift-net operations in the North Pacific Ocean. The cutter monitored the fishing vessel until a Taiwanese enforcement vessel arrived on the scene. After a joint boarding, Taiwanese authorities took custody of the fishing vessel and escorted it to Taiwan Province of China. As a result of evidence provided by the United States and an investigation by Taiwanese authorities, the master of the vessel admitted to large-scale drift-net fishing for salmon in the North Pacific. The vessel's licence was revoked and the owner and crew were indicted for salmon poaching.

47. The United States further indicated that in June 1997, acting on information received from United States tuna fishermen operating on the high seas of the North Pacific, its Coast Guard dispatched a C-130 aircraft and located an unidentified vessel actively fishing with large-scale, pelagic drift-nets in an area approximately 875 nautical miles northwest of Midway Island. Unfortunately, the Coast Guard did not have a patrol vessel in the area to investigate the sighting. At the request of the United States, Japan dispatched a fisheries patrol vessel to the scene. It was able to verify that the vessel was equipped with drift-net gear and reported an initial determination that the flag State of the vessel was the People's Republic of China. The drift-net vessel fled when the patrol vessel arrived and ignored all radio communications. The patrol vessel eventually had to suspend its surveillance of the drift-net fishing vessel because of a shortage of fuel. On 26 June 1997, the Chinese Government confirmed that the drift-net vessel had been registered in China, although its registration was no longer valid. According to Chinese officials, the vessel had been sold and not reregistered. As a result, the Chinese Government regarded the vessel as stateless and stated that if the vessel entered its waters, it would be subject to confiscation and prosecution. The United States provided the Chinese Government with an evidence package to be considered in any enforcement action against the vessel.

48. In addition, the United States emphasized that in 1997, in support of drift-net enforcement efforts in the North Pacific, the Coast Guard had conducted surveillance with its C-130 aircraft at 1996 levels and had also scheduled approximately 160 surface vessel days for patrols in the area. All these operations were planned and executed in cooperation with enforcement officials of the Governments of Japan, Canada and the Russian Federation.

49. The United States also reported that under the terms of a Memorandum of Understanding dated 3 December 1993, the United States and the People's Republic of China had continued to work together to ensure effective implementation of resolution 46/215 in the North Pacific Ocean. The Memorandum established boarding procedures for law enforcement officials of either country to board and inspect vessels flying the flag of the other country suspected of drift-net fishing. It also provided for enforcement officials of either country to ride on board high seas drift-net enforcement vessels of the other country in the North Pacific Ocean. During 1996, the United States Coast Guard had on board three Chinese officials on three high seas fishery enforcement patrols. The two countries had agreed to a similar arrangement for 1997. Although the Memorandum of Understanding expired on 3 December 1994, it had been renewed on 20 December 1994, via an exchange of diplomatic notes for an additional two years, until 31 December 1996. In October 1996, the United States had proposed to the People's Republic of China that the Memorandum of Understanding be extended for an additional two years, until 31 December 1998. China had agreed to an extension of the agreement on 2 January 1997.

50. In 1996, the United States indicated that its Coast Guard had issued a "Notice to Mariners", seeking reports on vessels suspected of using high seas drift-nets in the North Pacific Ocean. Although more information and photographs were provided as a result of the Notice, no suspected vessels were identified.

51. In its reply of 12 August 1997 to the Secretary-General, the Philippines stated that it was a party to the Convention for the Prohibition of Fishing with Long Drift-Nets in the South Pacific. It also indicated that the Philippines had not, however, considered it necessary to issue regulations banning drift gill-nets because their use was confined to coastal areas, and only sardines, mackerels and other small pelagics were caught with such nets. The Philippines further reported that a regulation prohibiting the capture of dolphins already existed and another one would soon be promulgated to cover other sea mammals.

(b) Information provided by regional and subregional fisheries organizations and arrangements

52. The Inter-American Tropical Tuna Commission (I-ATTC) has advised that there were no reports of fishing with large-scale pelagic drift-net gear in its area in 1996-1997.

53. The South Pacific Forum Fisheries Agency (FFA) indicated that it had not received any report of large-scale pelagic drift-net fishing in the 1996-1997 period.

54. The South Pacific Commission (SPC) reported that it had managed an observer programme with four scientific observers, and provided technical support for the national

observer programmes of the Federated States of Micronesia, the Marshall Islands, Palau, Papua New Guinea and Solomon Islands. The recording of sightings of fishing vessels by the observers indicated that no large-scale pelagic drift-net vessels had been operating in the SPC area in 1996-1997.

55. The Organización latinoamericana de Desarrollo Pesquero (OLDEPESCA) has advised that there had been no indication that large-scale pelagic drift-net fishing had been reported in the region covered by the organization.

6. Antarctica[1]

(a) Information provided by regional and subregional fishery organizations and arrangements

56. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) reported that Commission resolution 7/IX, adopted in 1990, had stated that there would be no expansion of large-scale pelagic drift-net fishing into the Convention area. The Commission indicated that since the adoption of that resolution, no cases of drift-net fishing activities had been reported in the CCALMR Convention area.

III. Unauthorized fishing in zones under the national jurisdiction of other States

A. Information provided by States

57. Barbados has informed the Secretary-General that it had no comment on the issue of unauthorized fishing in areas under the national jurisdiction of other States.

58. Kiribati indicated that the issue of unauthorized fishing in areas under the jurisdiction of other States would be taken into account in the future management plan now being developed by a subcommittee of the South Pacific Forum Fisheries Agency.

59. Mauritius reported that although there had been a few informal reports of unauthorized fishing in zones under the jurisdiction of other States, these had not been confirmed. It added that since its own exclusive economic zone was large, full monitoring of illegal fishing activities therein was not feasible.

60. Maldives stated that all its vessels had refrained from fishing outside its national jurisdiction and would continue to do so unless duly permitted by the authorities of the other States.

61. Fiji reported that Fiji-registered vessels were required to carry a Fiji flag while fishing for tuna. As for non-Fiji registered vessels, they were required to carry the flag of their nationalities, whether on contract or operating on a joint venture basis.

62. Pakistan indicated that deep-sea fishing in its exclusive economic zone was governed by the Pakistan Exclusive Fishery Zone (Regulation of Fishing) Act of 1975 and related regulations. Under the Act, no vessel flying the flag of Pakistan was allowed to fish in areas under the jurisdiction of other States.

63. The Republic of Korea reported that it had taken measures to ensure that no vessels entitled to fly its flag were engaged in fishing in areas under the jurisdiction of other States, unless duly authorized by the competent authorities of the coastal State concerned. These measures included the following: (a) imposition by the Government of severe penalties on vessels which conducted fishing in waters of other States without permission from the States concerned and in accordance with domestic laws and regulations; and (b) priority emphasis on the observance of the fishing regulations of other coastal States during mandatory training sessions of captains of deep-sea fishing vessels.

64. Norway stated that fishing access for vessels flying the flag of Norway to areas under the fisheries jurisdiction of other States was regulated by international agreements with the States concerned. Norwegian vessels would thus be able only to fish in such waters upon the express consent and under such terms as were laid down by those States. In the event that a vessel flying the flag of Norway were to fish in violation of such terms, Norwegian authorities were empowered to take action against the vessel upon its return to a Norwegian port.

65. The United Arab Emirates indicated that it had prohibited the operation of commercial fishing vessels in its territorial waters. It had also prohibited in its waters foreign fishing activities, including those operated as joint ventures with local fishing interests.

66. The United States expressed the view that all States had an obligation under international law, as reflected in the United Nations Convention on the Law of the Sea, to take measures to prevent fishing vessels entitled to fly their flag from fishing in zones under the jurisdiction of other States unless duly authorized to do so, and to ensure that such fishing was in accordance with applicable laws and

regulations. Article 56, paragraph 1, of the Convention provided that coastal States had sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, within their respective zones of national jurisdiction. Furthermore, article 62, paragraph 4, of the Convention provided that nationals of other States fishing in the exclusive economic zone ought to comply with the conservation measures and with the terms and conditions established in the laws and regulations of the coastal State.

67. The United States indicated also that it had long acted to prevent unauthorized fishing in zones under the jurisdiction of other States by vessels entitled to fly its flag. The oldest and broadest instrument available to the United States to implement this objective was the Lacey Act, which was enacted in 1900, and its 1981 amendments.

68. The United States recalled that it was also a party to a variety of international agreements that further prohibited United States nationals and vessels from engaging in unauthorized fishing in areas under the fisheries jurisdiction of other States. Several such agreements had been concluded with the Governments of Colombia, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, Canada, and numerous Governments in the South Pacific region. These measures had contributed significantly to support the conservation of fisheries resources within zones under national jurisdiction.

69. The United States noted, however, that ensuring full implementation of General Assembly resolution 51/36 by the United States was limited by several problems. First, detection of any alleged illegal fishing activity within zones of national jurisdiction depended largely on the enforcement capability of the coastal State. The fishery enforcement capability of many coastal States, however (and especially among developing States with large jurisdictional zones), was limited because of inadequate resources. Second, prosecution under the Lacey Act was dependent upon a separate violation of an underlying foreign or federal law. Such prosecutions could involve difficult evidentiary issues, for example proving that a United States flag fishing vessel had violated a law or a regulation of a foreign country. Third, effective prosecutions under the Lacey Act and in accordance with other international agreements and treaties required strong cooperation between the United States and foreign officials. Such cooperation might not always be forthcoming. Fourth, prosecuting violations of unauthorized fishing activities which occurred within the jurisdiction of a foreign country was expensive, involving, for example, the cost of providing transportation to witnesses. The United States had defrayed the costs of litigating violations of its fisheries laws and regulations through a fund which consisted of monies collected from fines, penalties and forfeitures. Despite these difficulties, the United States was committed to fulfilling its responsibilities as a flag State and believed it had achieved much to prevent unauthorized fishing in zones under the jurisdiction of other States by fishing vessels flying its flag.

70. The United States stressed that it had prohibited unauthorized fishing by vessels from foreign countries within its own zone of national jurisdiction. The Magnuson-Stevens Act stated that no foreign fishing was authorized within the exclusive economic zone of the United States unless authorized and conducted under, and in accordance with, a valid and applicable permit. With one exception (i.e. trans-shipments), such permits could only be issued if the relevant foreign country had concluded an international fishing agreement with the United States. Such agreements acknowledging the exclusive fishery management authority of the United States required foreign nations and the owner or operator of any foreign fishing vessel to abide by all its regulations, and provided for enforcement of its fisheries laws and regulations. Foreign fishing activities within its exclusive economic zone were monitored and enforced by the Coast Guard and the National Marine Fisheries Service. The United States attached extreme importance to compliance with General Assembly resolutions 49/116 and 51/36 and encouraged all flag States of the international community to take measures to prevent fishing vessels entitled to fly their flag from fishing in zones under the jurisdiction of other States unless duly authorized, and to ensure that such fishing operations were conducted in accordance with the conditions set out in such authorization.

71. The Philippines has informed the Secretary-General that the Director of the Bureau of Fisheries and Aquatic Resources had requested the President of the Federation of Fishing Associations of the Philippines to issue a circular to all its members enjoining them to refrain from fishing in areas under the jurisdiction of other States unless authorized by the competent authorities of the coastal States concerned.

72. Italy indicated that circulars from the Ministry of Agricultural, Food and Forest Resources to port authorities and professional organizations had reiterated the requirement to respect domestic legislation on fishing or boating limits, with specific reference to the Italian law ratifying the United Nations Convention on the Law of the Sea.

73. Oman reported that under the Marine Fisheries and Protection of Living Marine Resources Act promulgated by Decree No. 81/53, as amended, and the relevant implementing regulations issued by the Ministry of

Agriculture and Fisheries, all fishing vessels and boats belonging to Oman were obliged to obtain a licence to engage in fishing. They were also required to comply with all maritime laws, incorporating the regional and international regulations approved by Oman. The question of fishing in waters that were under the jurisdiction of other States is covered by the same requirement.

74. The Bahamas has stated that no fishing vessels registered in the Bahamas had engaged in unauthorized fishing in areas under the jurisdiction of other States.

75. New Zealand has informed the Secretary-General that it was in the process of developing legislation with specific provisions to deal with fishing by vessels entitled to fly New Zealand's flag in areas under the jurisdiction of other States.

76. Thailand has indicated that its Government had a firm policy of denying support to vessels, flying the national flag, that had fished in the exclusive economic zones of other States without their permission. This was in recognition of its obligation to prevent illegal fishing which has given the country a negative image and a bad reputation, as well as causing losses of fishermen's lives and properties.

77. Thailand also stressed that it had undertaken efforts to prevent unauthorized fishing in areas under the jurisdiction of other States through: (a) amendment of the relevant provisions of its Fisheries Act B.E. 2490 (1947) including the establishment of the responsibility of owners of fishing vessels in cases of illegal fishing in areas under the jurisdiction of other States and the obligation for fishermen to apply for a Thai overseas fishing licence prior to fishing legally in areas under the jurisdiction of other countries; (b) several initiatives, including a feasibility study on installation of satellite tracking systems to monitor national fishing vessels, prior registration of Thai fishing companies authorized to operate in areas under the national jurisdiction of other States, training and dissemination of information to fishermen, registration of fishing vessels and their crew, procedures to be followed in fishing operations in Ranong Province and to areas contiguous to the zone under the jurisdiction of Myanmar; (c) promotion of financial incentives to encourage bilateral fisheries cooperation and authorized fishing activities; (d) negotiations on fishing rights with foreign countries on the basis of mutual and equal benefit, and with a view to strengthening the optimum utilization of fishery resources in areas of single ecosystems and shared stocks; (e) negotiations on existing overlapping maritime claims to secure Thai fishing rights and entitlements; (f) negotiations with neighbouring countries to provide leniency to Thai fishermen that had breached unintentionally laws and regulations of other countries; (g) establishment of joint patrols with other States to prevent poaching in each other's waters; (h) negotiations with neighbouring countries to establish joint mechanisms for reducing illegal fishing and preventing excessive use of force or drastic actions; and (i) modification of fishing vessels and equipment to allow them to engage in deep-sea and high seas fisheries, particularly in the Indian Ocean.

B. Information provided by specialized agencies of the United Nations system

78. FAO reported that its Fisheries Department did not maintain specific records concerning the incidence of unauthorized fishing in zones of national jurisdiction. However, at fisheries meetings and consultations convened by FAO, the matter was often commented upon by members in their statements. Nonetheless, as part of its work on fisheries management, and within the ambit of the Code of Conduct for Responsible Fisheries, FAO had maintained a programme on fisheries monitoring, control and surveillance (MCS) and technical assistance to members. The issue was also addressed at the FAO Committee on Fisheries (COFI) in March 1997, and COFI has emphasized the importance of MCS as an integral component of fisheries management.

79. In addition, a regional workshop on fisheries MCS for States bordering the south-west Indian Ocean and Maldives was organized during 1996-1997 at the request of the Indian Ocean Fishery Commission (IOFC). The objectives of the workshop were to review the status of national, regional and foreign fleet activities in the exclusive economic zones of those States, consider areas where States might strengthen existing MCS systems and recommend strategies for improvement of MCS capacities, including vessel monitoring systems, costs, penalties for non-compliance with regulations and updating MCS legislation.

C. Information provided by regional and subregional fisheries organizations and arrangements

80. The International Baltic Sea Fishery Commission (IBSFC) indicated that no reports of unauthorized fishing in the zones of national jurisdiction in the Baltic Sea had been received by the Commission in 1996. It also indicated that, beginning in 1994, IBSFC had established an initial Enforcement Scheme which included, among other matters: (a) annual reporting of vessels authorized to fish cod in the

Baltic Sea; and (b) reporting of licences given to vessels fishing outside a fisheries agreement between the Contracting Parties of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and Belt.

81. The Western Central Atlantic Fishery Commission (WECAFC) has advised that there had been reports of unauthorized fishing in zones of national jurisdiction in the 1996-1997 period, but that those reports had not been verified. Most of the reports dealt with unauthorized small-scale fishing between neighbouring countries in the region. Unauthorized fishing by industrial vessels (shrimping and longlining for large pelagics by vessels from outside the region), which was probably more important in the region, had been reported in the press but not verified.

82. The Fishery Committee for the Eastern Central Atlantic (CECAF) indicated that one part of its programme of work for 1996-1997 concerned strengthening fisheries' MCS capacity in member countries. The enhancement of this capacity would serve to reduce the incidence of unauthorized fishing in zones of national jurisdiction in the region.

83. The International Commission for the Conservation of Atlantic Tunas (ICCAT) has advised that there had been some reported violations of domestic fisheries regulations in areas of national jurisdiction as well as reporting of fishing activities that were not in compliance with regulatory measures taken by the Commission.

84. The Inter-American Tropical Tuna Commission (I-ATTC) and the Northwest Atlantic Fisheries Organization (NAFO) indicated that there had been no reports of unauthorized fishing in the past year in their respective areas of competency.

85. The South Pacific Forum Fisheries Agency (FFA) reported that in 1996 there had been 25 cases involving illegal fishing activity within the FFA member nations. Twelve cases had been concluded with successful prosecutions and collection of fines. Three of the 25 cases involved written warnings, and 10 cases were still pending. Approximately US$ 3,857,000 had been collected in fines and vessels were forfeited in the 12 completed cases for 1996. Of the 25 cases reported to FFA, four were in Solomon Islands, one in the Marshall Islands, nine in the Federated States of Micronesia, seven in Papua New Guinea, one in New Zealand and two in Kiribati. Detected violations in the Federated States of Micronesia and Papua New Guinea usually involved fishing without a valid country permit, illegal bunkering or trans-shipping and misreporting. The nature of violations varies from country to country and year to year, depending on where fleets were concentrating their fishing effort and the amount of illegal fishing activity detected by fisheries surveillance personnel. It should be noted that several violations were settled out of court and were not brought to the attention of FFA. The Agency has maintained that the level of illegal fishing activity within its member nations would decrease through the implementation of vessel monitoring systems on distant water nations' fishing vessels.

IV. Fisheries by-catch and discards

A. Information provided by States

86. Barbados reported that the amount of by-catches, discards and post-harvest losses were already small and infrastructure was being improved on shore to further reduce post-harvest losses.

87. Kiribati stated that particular actions would be included in future management arrangements now being developed within FFA to reduce by-catches, fish discards and post-harvest losses.

88. Mauritius reported that no discards or by-catch resulted from artisanal and bank fisheries, and while tuna fishery by-catch was very small, effective use was made of it for the production of pet foods and fishmeal.

89. Latvia indicated that it had provided statistical catch reports to the International Fisheries Commission and to FAO.

90. Maldives reported that tuna caught by pole and longlines comprised 83 per cent of the total catch. The selective character of the fishing gear had minimized by-catches and fish discards. In addition, it pointed out that the improvement of technology and promotion of awareness among Maldivians on the quality and standard of processing catches had led to maintaining post-harvest losses at a minimum.

91. Fiji informed the Secretary-General that the Fiji Fisheries Department had been promoting fishing methods which were "environmentally friendly". Two principal methods were involved, namely pole and longlines. These methods were selective in terms of fishing gears which were specifically designed for the target species, thus reducing by-catches, fish discards and post-harvest losses. In addition, members of FFA were also involved in the training of fisheries observers who boarded vessels to monitor fishing activities, identify catches, fishing positions and to ensure that no illegal fishing activities were carried out, including discarding or by-catches.

92. Pakistan indicated that its Exclusive Fishing Zone (Regulation of Fishing) Act of 1975 and related regulations prohibited discard of by-catch at high seas, and every effort had been made to reduce by-catches and post-harvest losses.

93. The Republic of Korea reported that its authorities had taken the following measures to reduce by-catches, fish discards and post-harvest losses: (a) communication of information received from captains of Korean deep-sea fishing vessels on by-catches, fish discards and post-harvest losses to international fisheries organizations; (b) issuance of instructions to the fisheries industry to release living by-catches such as marine mammals, sea turtles and seabirds; and (c) continuous strengthening of government guidance to minimize the accidental death of marine animals.

94. Norway indicated that it had established measures and improved fishing gear in order to reduce by-catch and the catching of juvenile fish. These measures included quota regulations, a ban on discards, minimum size and mesh size regulations, sorting grids and closure of areas. Strict control measures both at sea and landings ensured the inspection of catches and enforcement of laws pertaining to fisheries in Norwegian waters.

95. The United Arab Emirates reported that one of the most important aspects of its cooperation with member States of the Gulf Cooperation Council, through the Committee on Fisheries Resources, was the ban on the use of nets for deep-water fishing and restrictions on floating nets, which reduced fisheries by-catch.

96. The United States indicated that since its 1996 report to the Secretary-General, it had undertaken additional important steps to reduce fish discards and by-catch in domestic and international fisheries. The United States Congress had responded to the increased concern with the volume of by-catch by increasing requirements under provisions of the Magnuson-Stevens Act. The Magnuson-Stevens Act, supplemented by the Sustainable Fisheries Act of 1996 (Public Law 104-43), highlighted the need for by-catch management in the United States fishery management plans by requiring that "conservation and management measures shall, to the extent practicable, (A) minimize by-catch and to the extent by-catch cannot be avoided, (B) minimize the mortality of such by-catch". Globally, the 1995 Fish Stocks Agreement, to which the United States was a signatory, also emphasized by-catch reduction.

97. The United States further indicated that in order to respond to by-catch issues and increasing regulatory requirements, its fishing industry had initiated in 1992 a series of workshops to develop strategies to reduce by-catches and to increase industry and public understanding of by-catch issues. The recommendations which resulted from these workshops, as well as those from environmental groups and the public, had prompted the National Marine Fisheries Service to prepare a draft National By-catch Plan in March 1997, to clearly articulate the agency's objectives, priorities and strategies in this area. The plan was compiled by agency experts with experience in fisheries management, stock assessment and social sciences. It included proposed national by-catch objectives, specific recommendations concerning data collection, evaluation and management actions necessary to attain the objectives, and a comprehensive assessment of the state of by-catch in the nation's marine fisheries. The latter was intended to serve as a benchmark from which progress in by-catch reduction could be measured. The plan was currently undergoing public review and comment.

98. The United States informed the Secretary-General that it was also actively involved in efforts to reduce by-catch and fish discards in international fisheries through international treaties and domestic legislation. These efforts included measures to reduce dolphin mortality in tuna fisheries in the Eastern Tropical Pacific, the incidental mortality of sea turtles in commercial shrimp fisheries throughout the world, and efforts to enforce the worldwide ban on drift-nets. The United States was also party to several international agreements that contained provisions on by-catch and discards. In addition to the FAO Code of Conduct for Responsible Fisheries and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the agreements included the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea, and the International Convention for the Conservation of Atlantic Tunas.

99. The Philippines reported to the Secretary-General that in an effort to reduce by-catches, fish discards and post-harvest losses, it had adopted the following policies and strategies: (a) developing innovative products and promoting value-added products that utilized fish species having low commercial value, as well as strengthening fish inspection and quality control systems; (b) conducting of research on the use of selectivity devices such as turtle excluder devices, square-meshed cod-end trawl, and separator grid for shrimp trawl; (c) introducing improved methods for traditional processing, including the enhancement of product quality;

and (d) implementing programmes intended to attract much-needed investments to fund the construction or renovation of post-harvest and other rural infrastructure such as ice plants and cold storage facilities, fish ports and farm-to-market roads.

100. Italy has informed the Secretary-General that a draft regulation of the European Union was being prepared on the use of appropriate equipment for each type of fish, and once approved would be binding.

101. Oman has indicated that by-catches, fish discards and post-harvest losses were a problem for Oman because of the nature of a marine ecosystem that embraced a multitude of different species. Oman had, however, begun to solve the problem by enacting restrictions and providing the necessary instruction and guidance to mitigate its impact. Currently, research efforts were being directed towards increasing the acceptability of species that were previously discarded, in an attempt to find a market for them. The restrictions relating to fishing gear, such as those concerning the size of the openings in trawl nets, and the allotment of fishing activities (the prohibition of fishing in certain areas and in certain seasons) had the goal of reducing fish discards. Recently, Oman had also taken significant steps to improve infrastructure (fishing ports) and the design of fishing boats used by Omani fishermen and to make available essential facilities along its shores (such as cold storage and ice-making plants) so as to reduce post-harvest losses.

102. The Bahamas has indicated that the issue of reducing by-catches, fish discards and post-harvest losses did not apply to it because of the highly specific fishing methods used by local Bahamian fishermen.

103. New Zealand has indicated that it was pursuing ongoing implementation of management plans to minimize incidental by-catch of marine mammals and seabirds in New Zealand fishery waters. Marine mammals were protected under the Marine Mammals Protection Act 1978, and legislation was enacted in 1996 to enable the development of plans for protecting seabirds that were caught in fishing operations. In this context, a population management plan for the wandering albatross would be initiated this year by the Department of Conservation.

104. New Zealand has also informed the Secretary-General that the Government and the New Zealand tuna fishing industry were currently investing considerable resources in the development of measures to reduce incidental captures in tuna longline operations. They had implemented the mandatory use of bird scaring devices on all tuna longline vessels. Other measures included a voluntary fishing industry code encouraging the setting of gear at night, when albatrosses were less active. A monitoring of the numbers and species of seabirds caught in fishing operations in New Zealand waters, as well as the populations of such species as the wandering albatross, was also being undertaken by the New Zealand authorities. In this connection, New Zealand stated that it would favour a consideration of the issue of seabird by-catch by international management regimes, including for species which bred in New Zealand but were caught by fishing vessels outside its exclusive economic zone. It intended to continue working through the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) to address these management issues.

105. New Zealand further stated that it had dealt with the question of fish discards and post-harvest losses through its quota management system, under which all fish caught ought to be landed in order to prevent dumping and to minimize waste.

106. Thailand has informed the Secretary-General that, in order to reduce by-catches, fish discards and post-harvest losses, it had taken the following measures: (a) establishment of closed areas and seasons to protect spawning and nursing grounds, including designation of areas of 3 kilometres from the shoreline as reserved and conservation areas, and prohibited to trawlers and push netlers; (b) enlargement of trawler devices from 2 or 2.5 centimetres to 4 centimetres, as well as improvement of other types of gear to reduce by-catches and post-harvest losses; (c) gradual limitation and reduction of fishmeal factories; (d) advice to fishermen to use sea water for fish cleaning to prevent contamination, and to preserve harvest with ice to maintain freshness; (e) prohibition of pushnet fishing as a non-selective gear; and (f) production of fishing products, such as fish crackers or fish cakes from by-catches.

B. Information provided by specialized agencies of the United Nations system

107. FAO reported that in October 1996, the Government of Japan in collaboration with FAO had organized, hosted and funded a Technical Consultation on the Reduction of Wastage in Fisheries during which discussion addressed estimates of discards, multi-species fisheries issues, technical measures, and unaccounted mortalities. Recommendations were also made with respect to improved fisheries management, better information, subsistence, artisanal and recreational fisheries, selective gear, improved utilization and immediate follow-up. The Consultation

recognized that several factors had contributed to both an overestimation and an underestimation of discards in several FAO statistical areas. The Consultation also indicated that globally, on the basis of 1994-1995 data reviewed, there had been a significant reduction in discards between the mid-1980s and the mid-1990s owing to a number of factors, including a decline in levels of fishing, time/area closures, new or more selective harvest and utilization technologies, greater utilization for human consumption and feed for aquaculture and livestock, enforcement of prohibition on discarding by some countries, and a more progressive attitude of fishery managers, user groups and society to the needs to resolve problems resulting from discarding.

108. FAO also pointed out that the issue of by-catch and discards was also addressed as a major issue in world fisheries at the twenty-second session of the Committee on Fisheries (COFI) in March 1997. Some delegations had reported on successful results of campaigns to reduce by-catch, as well as successful attempts to find uses for species that had previously been discarded. The FAO secretariat has advised the Committee that the Fisheries Department was preparing additional guidelines for the Code of Conduct for Responsible Fisheries, one of which would deal with by-catch and discards. Canada also has advised COFI that following the 1995 Kyoto Conference and the 1996 Tokyo Expert Consultation on Reduction of Wastage in Fisheries, it was planning to host with FAO an expert consultation on sustainable harvesting technologies and practices, including reduction of discards and by-catches. COFI also addressed the issue of incidental catches of seabirds in fisheries and it had been proposed that FAO, in collaboration with Japan and the United States, organize consultations with experts from inside and outside governments to develop and propose guidelines leading to a plan of action aimed at reducing incidental bird catches. The plan of action would be submitted to the Committee at its twenty-third session in early 1999. Furthermore, COFI also addressed issues relating to conservation and effective management of shark populations and it was agreed that FAO should also organize, in collaboration with Japan and the United States, consultations among experts to develop and propose guidelines leading to a plan of action to be submitted to the same session of COFI.

109. FAO added that, as a follow-up, it would continue to develop methodology to make better assessments of the level of discards and would at the same time investigate technical and management approaches to limit discarding. In addition, it would facilitate studies on technical measures for reducing unwanted catches in tropical shrimp fisheries and the better utilization of by-catches for direct consumption. Moreover, an international conference was being planned for 1998 on the use of observer programmes to assist with measuring discards.

C. Information provided by regional and subregional fisheries organizations and arrangements

110. The International Commission for the Conservation of Atlantic Tunas (ICCAT) has reported that it was collecting statistics on discards as well as on all by-catch species (which were often utilized as much as the target species). It also indicated that, according to some reports, discards might have increased due to the strengthening of regulatory measures in respect of fish size and catch levels. ICCAT further reported that it had commenced a new research programme on shark by-catch in which the statistics of such by-catches were collected, in addition to other biological information on the species.

111. The Northwest Atlantic Fisheries Organization (NAFO) indicated that it had recently introduced a number of regulations concerning, *inter alia*, catch reporting, discards and by-catches, and undersized and juvenile fish. With respect to reporting and recording catches, Contracting Parties had ensured NAFO that their vessels entering the Regulatory Area had a record in their fishing logbooks of the amount of species of fish on board, and while fishing in the Regulatory Area, recorded their catches on a daily basis. Contracting Parties fishing in the Regulatory Area reported monthly catches by species and stock area to the Executive Secretary, who circulated this information to all members of NAFO. As a consequence, the following by-catch and discard regulations were in force in the Regulatory Area: (a) report of statistics on discards of cod in the redfish and flatfish fisheries; (b) limitation of the incidental catch at 10 per cent in general fisheries and at 5 per cent in cases of moratorium; (c) report of discard statistics on areal and seasonal observation of juvenile American plaice and yellowtail flounder; (d) enforcement and control of discard regulations concerning minimum fish size; (e) regulation of mesh size and sorting grids or grates as well as the operation of all regulated groundfish to minimize by-catches; and (f) introduction of the hail reporting system and the observer programme in 1996.

112. In addition to the above, NAFO reported that it had in 1995-1997 developed and introduced sorting grids in the shrimp fishery. By using the grid, the vessel would have "cleaner" catches and avoid by-catches of other juvenile fish

(mostly redfish and cod) in the areas of concentration of shrimp.

113. The Northeast Atlantic Fisheries Commission (NEAFC) indicated that it had yet to address directly the problems of by-catches and discards. However, in the case of both stocks regulated by NEAFC, these were considered to be clean fisheries insofar as only the adult components of the stocks were targeted. No other stock or species was mixed with the Norwegian spring-spawning herring. In the fishery for oceanic redfish there were two different types caught and considerable effort was being made to investigate the interrelation between the two.

114. The International Baltic Sea Fishery Commission (IBSFC) has advised that it had no new information available in the current reporting period.

115. The Western Central Atlantic Fishery Commission (WECAFC) has indicated that countries in the region that have shrimp trawl fisheries (e.g. Guyana, Suriname, Brazil and Venezuela) were now landing more by-catch for human consumption than in the past, partly owing to higher prices for fish. There had been efforts to introduce by-catch reduction devices, and all countries that have trawl fisheries, with the exception of French Guiana, had introduced turtle exclusion devices. Venezuela was experimenting with the use of fish exclusion devices and FAO had organized in Cuba in June 1997 a regional workshop that addressed the utilization of by-catch from shrimp trawlers.

116. The Asia-Pacific Fishery Commission (APFIC) reported that it had undertaken studies on by-catch and discards in 1996 in the People's Republic of China, Japan, Malaysia and Thailand. A review of by-catch and discards in the fisheries of South-east Asia also had been prepared for the Technical Consultation on Reduction of Wastage in Fisheries held in Japan in 1996.

117. The Inter-American Tropical Tuna Commission (I-ATTC) stated that it had established an observer programme which had sampled since 1972 tuna purse seiners fishing in the eastern Pacific Ocean in order to make observations on incidental capture and mortality of dolphins in the fishery. Since 1988, observers had collected information on the by-catch of other living marine resources on an ad hoc basis, and in 1993 the I-ATTC members and other cooperating countries whose vessels exploited the fishery had instituted a regular observer programme which covered all large tuna purse seiners fishing in the eastern Pacific. From 1993 to 1996, most of the vessels had carried I-ATTC observers who had collected information on all by-catch taken by those vessels. These data were reported in the I-ATTC's 1995 Annual Report as well as in other specialized reports. Additionally, in the Declaration of Panama, the members of I-ATTC, in conjunction with other countries whose vessels were involved in the fishery, had expressed their commitment "... to the assessment of the catch and by-catch of small yellowfin tuna and other stocks of living marine resources related to the tuna fishery in the eastern Pacific Ocean and the establishment of measures to, *inter alia*, avoid, reduce and minimize the by-catch of juvenile yellowfin tuna and the by-catch of non-target species, in order to ensure the long-term sustainability of all these species, taking into account consideration [of] the interrelationships among species in the ecosystem".

118. The South Pacific Commission (SPC) reported that it had commenced analysis of observer data in an attempt to quantify by-catch and discards in tuna fisheries in the SPC area, and the exercise would become a regular activity of the SPC Oceanic Fisheries Programme. As part of its ongoing work on the subject, the Commission had also commissioned in 1995-1996 a study on by-catch and discards in the Western Pacific tuna fisheries.

119. The Organización latinoamericana de Desarrollo Pesquero (OLDEPESCA) has advised that it did not have any information available to it concerning fisheries by-catch and discards in the area covered by the organization.

120. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) reported that Commission Conservation Measure 29/XIV, entitled "Minimization of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Conservation Area", had been in force (with several amendments) since the 1993-1994 fishing season. In 1995, CCAMLR had initiated an exchange of information with a number of international organizations, including the United Nations and FAO, in relation to incidental mortality of seabirds caused by fishing activities. The objective of this initiative was to disseminate CCAMLR's experience in applying mitigating techniques and in formulating conservation measures, and to be informed of the steps other organizations had taken, or were studying, to address the issue of incidental mortality of seabirds associated with fisheries, especially longline fisheries. As part of its continuing efforts to minimize seabird mortality in longline fisheries, CCAMLR had published an educational book in 1996 for fishermen, entitled *Fish the Sea Not the Sky*, which explained how to avoid by-catch of seabirds when fishing with longlines.

121. In its submission to the Secretary-General dated 18 August 1997, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) indicated that the

Commission had established a Working Group on Ecologically Related Species to provide information and advice on issues relating to those species, including species which might be affected by southern bluefin tuna fisheries and species which might affect the condition of the southern bluefin tuna stocks. Issues on which the Working Group intended to provide information included population biology, identification of factors affecting ecologically related species, the assessment of the effects of ecologically related species on the condition of the southern bluefin stock and measures to minimize the fishery effects on ecologically related species.

D. Information provided by other intergovernmental organizations

122. The European Community reported that in 1994 its Council adopted a regulation on technical conservation measures for the Mediterranean. The measures, which came into effect on 1 January 1995 and were aimed at reducing by-catches and discards, included specifications of main types of fishing gear to be used, in particular minimum mesh, as well as specifications relating to minimum sizes of fish and the protection of zones where juvenile fish congregated.

E. Information provided by non-governmental organizations

123. In its submission to the Secretary-General dated 25 June 1997, the World Wide Fund for Nature (WWF) stressed that the Secretary-General's report should take note of the increasing worldwide concern regarding the status of shark species and the burgeoning international trade in shark parts and products. It also indicated that a recent joint report by WWF and the World Conservation Union (IUCN) concluded that between 30 and 70 million sharks were caught annually as by-catch in fisheries targeting pelagic species such as tuna, and that shark fisheries were largely unmanaged and unmonitored. WWF indicated that this situation had led FAO's Committee on Fisheries in March 1997 and the tenth meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species to draw particular attention to the issue. WWF was of the view that the growing worldwide concern over the status of shark species warranted a call for action in the General Assembly's resolution on by-catch.

124. In its reply to the Secretary-General dated 30 June 1997, the Natural Resources Defense Council, referring to the 1995 Fish Stocks Agreement, indicated that the Agreement did not effectively address several important issues, including the conservation of sharks and other vulnerable populations and therefore further measures were needed to reduce the amount of by-catch and waste which, according to FAO, was equal to 20-25 per cent of the world catch.

125. In its report of 30 June 1997 to the Secretary-General, IUCN stated that it was especially concerned about species level issues of marine fish stocks, e.g., the status of shark populations. It indicated that IUCN intended to address these issues through its Special Survival Commission, and attention would be given particularly to the by-catch issue.

126. In its report to the Secretary-General dated 29 July 1997, Greenpeace expressed concern that a great number of albatross and other seabirds were killed in the southern bluefin tuna fishery as well as other longline fisheries targeting other species. It also indicated that recent observation of longlines off New Zealand had shown that 10 types of albatross and 16 species of petrels had been recorded as having been caught or trapped by the longliners. In addition, other marine animals had been observed to be affected by the southern bluefin tuna longline fishing in view of its highly unselective, or indiscriminate, type of fishing gear that involved a high rate of capture of numerous marine species, including other fish, sharks, turtles and marine mammals, such as seals, dolphins and whales.

127. Greenpeace further indicated that high figures showing the death of albatross and petrels each year in southern bluefin tuna longline fishery might be underestimated and might be upwards of two to three times that figure, despite the use by vessels of mitigation devices and practices, such as the use of bird scaring lines and the practice of night setting when birds were supposed to be less abundant.

128. Greenpeace added that the combined effect of intense fishery for southern bluefin tuna by the members of the Commission for the Conservation of Southern Bluefin Tuna and the unregulated fishing of non-members were presumed to have ecologically severe consequences on seabirds and other by-catch species in the area.

Notes

[1] Antartica is under the purview of the Antarctica Treaty System